2620.

SUPREME COURT OF THE UNITED STATES.

No. 77.

JOHN DOE, ON THE DEMISE OF LOT CLARK, DAVID CLARKSON, JOSEPH D. BEERS, ANDREW TALLCOTT, BRANTZ MAYER, AND HARRIET HACKLEY, PLAINTIFF IN ERROR,

vs.

JOSEPH ADDISON BRANDEN.

IN ERROR TO THE DISTRICT COURT, UNITED STATES, FOR THE NORTHERN DISTRICT OF FLORIDA.

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UNITED STATES OF AMERICA,
Northern district of Florida.

Pleas before the judge of the district court of the United States, for the northern district of Florida, at the court-house in the city of St. Augustine, on the fifth day of April, of April term, in the year of our Lord one thousand eight hundred and forty-seven.

Witness the honorable Isaac H. Bronson, judge of said court.

NORTHERN DISTRICT OF FLORIDA, *ss.*

Be it remembered, that at the present April term, in the year of our Lord one thousand eight hundred and forty-seven, before the honorable Isaac H. Bronson, judge of the district court of the United States, for the northern district of Florida, at the court-house, in the city of St. Augustine, came John Doe, (on the demise of Lot Clark, Joseph Clarkson, Joseph D. Beers, Andrew Talcott, Brantz Mayer, and Harriet Hackley,) by Leslie A. Thompson, esq., their attorney, and brought into said court before the aforesaid judge thereof their certain bill or declaration against Richard Roe, defendant of a plea of trespass and ejectment; which said bill, together with the notice thereto appended, and the proof of service thereof, follows in these words, that is to say:

In the district court of the United States, for the northern district of Florida.

NORTHERN DISTRICT OF FLORIDA, *sct.*

Richard Roe was attached to answer John Doe of a plea wherefore, with force and arms, he entered into that tract of land, situate, lying, and being in the district aforesaid, which is described as follows, to wit, beginning at the mouth of the river heretofore called or known as the Amanina, where it enters the sea, to wit, at the point of the twenty-eighth degree and twenty-fifth minute of north latitude, and running along the right bank of that river to its head spring or main fountain source; thence by a right line to the nearest point of the river St. John; then ascending said river St. John, along its left bank, to the lake Macaco; then from the most southern extremity of that lake, by a right line, to the head of the river heretofore known or called the Hijuelas; and then descending along that river's right bank to its mouth in the sea; thence continuing along the coast of the sea, including all the adjacent islands, to the mouth of the river Amanina, the beginning point aforesaid, containing twelve millions of acres of land, with the appurtenances which Andrew Talcott, David Clarkson, and Joseph D. Beers demised to said John Doe, for a term of years which is not yet expired, and

also into one other piece of land and appurtenances situate as aforesaid, and described as is the above mentioned piece of land which Lot Clark, David Clarkson, and Joseph D. Beers heretofore demised to said John Doe, for a term of years which is not yet expired; and also into another piece of land, situate as is the first above described piece of land, and described as is that piece of land, and the appurtenances, which Andrew Talcott, David Clarkson, and Brantz Mayer heretofore to said John Doe demised for a term of years which is not yet expired; and also into another piece of land, situate as is the first above described piece of land, and described as is that piece of land, which Harriet Hackley heretofore to said John Doe demised for a term of years which is not yet expired, and ejected said John Doe from his said several pieces of land, and other wrongs to him to his damage did, and against the peace of the United States of America; and thereupon said John Doe, by his attorney, Leslie A. Thompson, complains, that whereas the said Andrew Talcott, David Clarkson, and Joseph D. Beers, on the first day of January, in the year of our Lord one thousand eight hundred and forty-seven, at the county of Hillsborough, in the district aforesaid, had demised to said John Doe the piece of land and the appurtenances above first described, as remised as aforesaid to said John Doe, to hold the same to said John Doe for the term of fifty years from the day next before the day of the last mentioned date, by virtue of which demise said John Doe into the said land and the appurtenances entered, and thereof was possessed; and he being so possessed, said Richard Roe afterwards, to wit, on said first day of January, in the year last mentioned, with force and arms, entered into said land with the appurtenances demised as aforesaid to said John Doe for a term which is not yet expired, and from said land ejected said John Doe.

And also that whereas the said Lot Clark, David Clarkson, and Joseph D. Beers, on the first day of January, in the year one thousand eight hundred and forty-seven, at the county of Hillsborough, in the district aforesaid, had demised to said John Doe the piece of land above mentioned or recited as demised to said John Doe by said Lot, and David, and Joseph, with the appurtenances, to hold to said John Doe for the term of fifty years from the day next before the day of the date aforssaid of said demise; by virtue of which demise said Doe into said piece of land entered, and into the appurtenances, and thereof was possessed; and he so thereof being possessed, said Richard Roe afterwards, to wit, on the said first day of January, in the year last aforesaid, with force and arms, entered into said piece of land and the appurtenances so demised to said John Doe for a term which is not yet expired, and therefrom ejected said John Doe.

And also that whereas the said Andrew Talcott, Brantz Mayer, and David Clarkson, on the first day of January, in the year one thousand eight hundred and forty-seven, at the county of Hillsborough, in the district aforesaid, had demised to said John Doe the piece of land above mentioned or recited as devised by said Andrew, and Brantz, and David to said John Doe, with the appurtenances, to hold to the said John Doe

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for the term of fifty years from the day next before the day of the date of the said demise; by virtue of which demise the said John Doe into said piece of land and the appurtenances entered, and thereof was possessed, and he so thereof being possessed, said Richard Roe afterwards, to wit, on the said first day of January, in the year last aforesaid, with force and arms, entered into said piece of land and the appurtenances so demised to said John Doe for a term which is not yet expired, and therefrom ejected said John Doe.

And also that whereas said Harriet Hackley, on the first day of January, in the year eighteen hundred and forty-seven, at the county of Hillsborough, in the district aforesaid, had demised to said John Doe the piece of land above recited and mentioned, and the appurtenances, as demised by said Harriet to said John Doe, to hold to the said John Doe for the term of fifty years from the day next before the day of the date of said demise; by virtue of which demise said John Doe entered into said piece of land and the appurtenances, and thereof was possessed, and he so being possessed thereof said Richard Roe, afterwards, to wit, on the day and in the year last aforesaid, with force and arms, into said piece of land and the appurtenances entered, and therefrom ejected said John Doe, to whom for a term, which is not yet expired, said land and appurtenances were demised as aforesaid; and other wrongs to the said John Doe did, to his great damage, and against the peace of the United States of America, &c.

Wherefore said John Doe says he is injured, and has sustained damage to the value of one hundred thousand dollars, and therefore he brings his suit, &c.

L. A. THOMPSON,
Plaintiff's attorney.

To Mr. Joseph Addison Braden.

Sir: I am informed that you are in possession of a claim, title to the premises mentioned in this declaration of ejectment, or of or to some part thereof, and I being sued in this action as a casual ejector only, and having to the premises no claim nor title, do advise and notify you to appear at a district court of the United States, for the northern district of Florida, to be held at St. Augustine, in said district, on the first Monday of April next, by some attorney of that court, and then and there, by a rule of said court, to become defendant in my stead; otherwise I shall suffer judgment to be entered against me by default, and you will be turned out of possession.

Your loving friend,
RICHARD ROE.

Tallahassee, *March* 1*st*, 1847.

Affidavit of service of declaration and notice.

In the district court of the United States, for the northern district of Florida.

CITY OF TALLAHASSEE, *sct.*

Horatio Nelson Gray, of the city of Tallahassee, maketh oath that he, this deponent, did on this fifteenth day of March, A. D. 1847, personally serve Joseph A. Braden, tenant in possession of the premises in the declaration of ejectment hereunto annexed mentioned, or of some part thereof, with a true copy of said declaration, and of the notice thereunder written, hereunto annexed; and this deponent at the same time acquainted the said Joseph A. Braden of the intent and meaning of said notice.

H. N. GRAY.

Sworn to before me, this 15th day of March, 1847.

R. B. SMITH, *Clerk.*

And now at this day, that is to say, on the tenth day of April, in the same term of April aforesaid, at the court-house in the city of St. Augustine, in the State and district aforesaid, came as well the said John Doe, on the demise of Lot Clark, Joseph Clarkson, Joseph D. Beers, Andrew Talcott, Brantz Mayer, and Harriet Hackley, by their attorney aforesaid, as the said Joseph Addison Braden, the tenant in possession of the premises in said declaration mentioned, by George T. Ward, his attorney; and the respective parties aforesaid, by their attorneys aforesaid,. entered into a consent rule in this cause in these words, that is to say:

In the district court of the United States, for the northern district of Florida, at April term, 1847.

JOHN DOE, on the demise, &c.,
vs.
RICHARD ROE.

It is ordered by consent of L. A. Thompson, attorney for plaintiff, and George T. Ward, attorney for Joseph Addison Braden, who claims title to the tenements in question, that the said Joseph Addison Braden shall be admitted as a defendant, and shall immediately appear by his said attorney, who shall receive a declaration, and plead thereto the general issue this term ; and that at the trial to be had thereon, the said Bradin shall appear in his proper person, or by his counsel, or attorney, and confess lease, entry, and ouster, for so much of the tenements specified in the plaintiff's declaration as are in the possession of the said defendant or his tenant, or any person claiming by or under his title; or that in default thereof judgment shall be thereupon entered against the defendant Richard Roe, the casual ejector; but proceedings shall be stayed against him until default shall be made in any of the premises.

And by like consent it is further ordered, that if by reason of any such default the plaintiff shall happen to be non-suited upon the trial, the said Braden shall take no advantage thereof, but shall pay there-

upon the plaintiff's costs to be taxed by the clerk. And it is further ordered, that the lessor of the plaintiff shall be liable to the payments of costs to the said Braden by the court here to be allowed and adjudged.

L. A. THOMPSON,
GEO. T. WARD.

JOSEPH ADDISON BRADEN
ats.
DOE, on the demise, &c.

And afterwards, to wit, on the 15th day of April, in the year 1847 aforesaid, came as well the said plaintiff's lessors aforesaid, by their attorney aforesaid; and the said Joseph Addison Braden, by Geo. T. Ward, his attorney aforesaid, defends the force and injury, when, &c., and says that he is not guilty of the said supposed trespasses and ejectments above laid to his charge in manner and form as the said John Doe hath thereof complained against him; of this, he, the said Braden, puts himself upon the country, &c.

And afterwards, to wit, on the twentieth day of November, of term of November, in the year of our Lord one thousand eight hundred and forty-seven, before the judge aforesaid, at the court-house aforesaid, being a term of said court, the following order was duly made and entered in said cause, to wit:

JOHN DOE, on the demise of Lot Clark, and others,
vs.
JOSEPH ADDISON BRADEN.
} Ejectment.

On reading and filing a letter addressed by George T. Ward, esq., to the President of the United States, on behalf of the defendant, and on motion of Mr. Yulee, on behalf of the United States, it is ordered, that Chandler C. Yange, esq., the United States district attorney for this district, be, and he is hereby, allowed to substitute his name as attorney for the defendants in these cases in lieu of the name of the said George T. Ward; and thereupon the name of the said C. C. Yange, United States attorney, was entered as attorney for the said defendant in this case accordingly.

And on motion of the attorney of the said defendant it is further ordered, that the lessors of the plaintiffs file security for the costs in this case on or before the first Monday of January next, or show cause, before this court, on that day, at the Capitol, in the city of Tallahassee, why they should not give such security.

And afterwards, on the same day, the following order was duly made and entered in said cause, to wit:

JOHN DOE, on the demise of Lot Clarke, and others,
vs.
JOSEPH A. BRADEN.

On motion of Mr. Yulee, of counsel for the defendants, it is ordered, that John M. Fantane, esq., be, and he is hereby, appointed translator and interpreter of this court in this cause, for the translation of any papers or documents, or the interpretation of any evidence, which may be necessary to be translated or interpreted in the progress of this cause.

And afterwards, to wit, on the seventeenth day of April, in the year of our Lord one thousand eight hundred and forty-eight, at the April term of said circuit, to which day the said cause had been regularly continued, came the parties aforesaid, by their attorneys aforesaid, and the following order was duly made and entered in said cause, to wit:

JOHN DOE, on the demise of Lot Clark, et al.,
vs.
JOSEPH A. BRADEN.

Upon motion of Sam'l L. Burritt, esq., and by consent of the United States by their attorney, it was ordered that the declaration in this cause be amended by striking out the name of John D. Beers, and inserting in place thereof Joseph D. Beers, wherever the same occurs, so that the same shall read Joseph D. Beers in lieu of John D. Beers.

And afterwards, to wit, on the same day, and at the term last aforesaid, the said cause was further continued to the next term of said court, to be holden on the first Monday of April, in the year 1849.

And afterwards, to wit, at the April term of said court, in the year 1849, and on the 9th day of April, being a day of said April term, came the respective parties by their attorneys aforesaid, and upon the suggestion of the attorney of the United States the same was further continued to the next term of said court, to be holden on the first Monday of April next, in the year 1850.

And afterwards, to wit, at the April term of said, court in the year 1850, on the 26th day of April, being a day of said term, came the respective parties by their attorneys aforesaid, and the said cause was further continued to the next term of this court, to be holden on the first Monday of April, in the year 1851.

And afterwards, to wit, on the nineteenth day of April, one thousand eight hundred and fifty-one, being a day of the April term of said court, in the year 1851, came the respective parties by their attorneys, and the said cause was further continued to the next term of the said court, to be holden on the first Monday of April next, in the year one thousand eight hundred and fifty-two.

And afterwards, to wit, on the ninth day of April, in the year 1852,

being a day of the April term of said court, in the year 1852, came the respective parties by their respective attorneys, and upon motion of the attorney of the United States the said cause was continued to the adjourned term of this court, to be holden on the 2d Monday of May, then next ensuing, at the court-house in the city of St. Augustine.

And afterwards, to wit, on the tenth day of May, in the year one thousand eight hundred and fifty-two, being the day to which said cause had been brought by various continuances, at the court-house aforesaid, at St. Augustine, in the district aforesaid, before the court aforesaid the following proceedings were had in said cause, and duly entered of record, to wit:

JOHN DOE, on the demise of Lot Clark, Joseph Clarkson, Joseph D. Beers, Andrew Talcott, Brantz Mayer, and Harriet Hackley,
vs.
JOSEPH ADDISON BRADEN.
} Ejectment.

This cause having been brought by various continuances to the present term of this court, now came Leslie A. Thompson, Charles F. Mayer, & McQueen McIntosh, esquires, attorneys for said plaintiff; and also came George W. Call, esq., attorney of the United States, and Chandler C. Yange and David L. Yulee, esquires, attorneys for the said defendant; and thereupon the attorneys of the said plaintiff moved on the trial of this cause, and the following named persons were duly empannelled, and sworn as a jury therein, to wit, Jacob Mickler, Andres B. Canova, Bartolo Oliveros, Andreas Pacetty, P. C. Zylstra, John Prus, Peter Cercopaly, John Pacetty, Andrew Lopez, James Prus, John R. Andrew, and Nicolas Razero, and thereupon the hearing of said cause was proceeded with, and there not being time to conclude the hearing, the same was postponed until to-morrow.

And afterwards, to wit, on the eleventh day of May, in the year last aforesaid, at the court-house aforesaid, before the said court, the following further proceedings were had in said cause, to wit:

JOHN DOE, on the demise of Lot Clark, Joseph Clarkson, Joseph D. Beers, Andrew Talcott, Brantz Mayer, and Harriet Hackley,
vs.
JOSEPH ADDISON BRADEN.
} Ejectment.

And now, at this day, come the parties aforesaid, by their counsel aforesaid, and also came the jury yesterday empannelled herein, to wit, Jacob Mickler, Andres B. Canova, Bartolo Oliveros, Andres Pacetty, P. C. Zylstra, John Pacetty, Andrew Lopez, James Prus, John R. Andrew, and Nicolas Razero; and the trial of the said cause being further proceeded in, and documentary evidence being offered by the plaintiff, and there not being time to conclude the hearing thereof, the same was further adjourned until to-morrow.

And afterwards, to wit, on the twelfth day of May, of the term and

year last aforesaid, at the court-house aforesaid, the following further proceedings were duly had in said cause, to wit:

JOHN DOE, on the demise of Lot Clark, Joseph Clarkson, Joseph D. Beers, Andrew Talcott, Brantz Mayer, and Harriet Hackley, vs. JOSEPH ADDISON BRADEN. } Ejectment.

And now, at this day, came again the parties aforesaid by their respective counsel, and also came the jury heretofore empannelled therein, to wit, Jacob Mickler, Andres B. Canova, Bartolo Oliveros, Andrew Pacetty, P. C. Zylstra, John Prus, Peter Cercopaly, John Pacetty, Andrew Lopez, James Purs, John R. Andrew, and Nicolas Rozero, and the trial of the said cause being further proceeded in, and Gad Humphries was produced as a witness on the part of the defendant, and there not being time to conclude the hearing of the same, the further hearing of this cause was postponed until to-morrow.

And afterwards, to wit, on the thirteenth day of May, of the term and year aforesaid, at the court-house aforesaid, before the said court, the following further proceedings were had in said cause to wit:

JOHN DOE, on the demise of Lot Clark, Joseph Clarkson, Joseph T. Beers, Andrew Talcott, Brantz Meyer, and Harriet Hackley, vs. JOSEPH ADDISON BRADEN. } Ejectment.

And now, at this day, came again the respective parties by their respective counsel, and also came the jury *herein* before empannelled herein, to wit, Jacob Mickler, Andres B. Canova, Bartolo Oliveros, Andres Pacetty, P. C. Zylstra, John Pans, Peter Cercopaly, John Pacetty, Andrew Lopez, James Pans, John R. Andrew, and Nicolas Rozero, and the trial of said cause was further proceeded in, and Antonio Alvarez was examined on behalf of defendant, and documentary evidence was produced on behalf of said defendant, and there not being time to conclude the hearing thereof the same was postponed until to-morrow.

And afterwards, to wit, on the fourteenth day of May, being a day of said April term, in the year aforesaid, at the court-house aforesaid, before the court aforesaid, the following further proceedings were had in said cause, to wit:

JOHN DOE, on the demise of Lot Clark, Joseph Clarkson, Joseph D. Beers, Andrew Talcott, Brantz Mayer, and Harriet Hackley, vs. JOSEPH A. BRADEN. } Ejectment.

And now, at this day, again came the parties by their respective

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counsel, and also came the jury, heretofore empannelled therein, to wit, Jacob Mickler, Andres B. Canova, Bartolo Oliveros, Andreas Pacetty, P. C. Zylstra, John Pares, Peter Cercopaly, John Pacetty, Andrew Lopez, James Pares, John R. Andrew, Nicolas Rozero; and the hearing of this cause was further proceeded in, and Antonio Alvarez and Elias Gould were examined as witnesses, and various documents produced and read in evidence; and there not being time to conclude the hearing of said cause, the same was further adjourned until to-morrow.

And afterwards, to wit, on the fifteenth day of May, of the year aforesaid, being a day of the term last aforesaid, at the court-house aforesaid, before the court aforesaid, the following further proceedings were had in said cause, to wit:

JOHN DOE, on the demise of Lot Clark, Joseph Clarkson, Joseph D. Beers, Andrew Talcott, Brantz Mayer, and Harriet Hackley, vs. JOSEPH ADDISON BRADEN. } Ejectment.

And now, at this day, came the parties aforesaid by their respective counsel, and also came the jury heretofore empannelled herein, to wit, Jacob Mickler, Andreas B. Canova, Bartolo Oliveros, Andrew Pacetty, P. C. Zylstra, John Pacetty, John Pares, Peter Cercopaly, Andrew Lopez, James Prus, John R. Andrew, and Nicolas Rozero, and the hearing of this cause was further proceeded with, and E. B. Gould, John Lee Williams, Francis Pellicier, George J. Zehubaur, Pedro Benet, G. Humphreys, Moses E. Levy, and Benjamin A. Putman, were severally examined as witnesses, and sundry documentary evidence was submitted; and there not being time to conclude the hearing of said cause, the same was further postponed to Monday the 17th day of May, inst.

And afterwards, to wit, on the seventeenth day of May, being a day of said April term, in the year aforesaid, at the court-house aforesaid, before the said court, the following further proceedings were had in said cause, to wit:

JOHN DOE, on the demise of Lot Clark, Joseph Clarkson, Joseph D. Beers, Andrew Talcott, Brantz Mayer, and Harriet Hackley, vs. JOSEPH ADDISON BRADEN. } Ejectment.

And now, at this day, again came the parties aforesaid by their respective counsel, and also came the jury heretofore empannelled herein, to wit, Jacob Mickler, Andres B. Canova, Bartolo Oliveros, Andrew Pacetty, Peter C. Zylstra, John Prus, Peter Cercopaly, John Pacetty, Andrew Lopez, James Prus, John R. Andrew, and Nicolas Rozero, and the hearing of the said cause was further proceeded in, and Andrew Papy, Bartolo Pacetty, and Vicente Pacetty, were sworn as wit-

nesses, and documentary evidence adduced; and the evidence being closed, Leslie A. Thompson, esq., of counsel for plaintiff, argued the said cause before the court and jury; and there not being time to conclude the hearing of the said cause, the same was further postponed until to-morrow.

And afterwards, to wit, on the eighteenth day of May, of the year last aforesaid, of April term aforesaid, at the court house aforesaid, before the said court, the following further proceedings were had in said cause, to wit:

JOHN DOE, on the demise of Lot Clark, Joseph Clarkson, John D. Beers, Andrew Talcott, Brantz Mayer, and Harriet Hackley, vs. JOSEPH ADDISON BRADEN. } Ejectment.

And now, at this day, again came the parties aforesaid by their respective counsel, and also came the jury heretofore empannelled herein, to wit, Jacob Mickler, Andres B. Canova, Bartolo Oliveros, Andrew Pacetty, Peter C. Zylstra, John Prus, Peter Cercopaly, John Pacetty, Andrew Lopez, James Prus, John R. Andrew, and Nicolas Rozero, and Charles F. Mayer, esq., of counsel for plaintiff, further proceeded with the argument on his behalf, and Geo. W. Call and Chandler C. Yonge, in behalf of defendant; and there not being sufficient time to conclude the hearing, the same was further postponed until to-morrow.

And afterwards, to wit, on the nineteenth day of May, being a day of said April term, in the year aforesaid, at the court-house aforesaid, before the said court, the following further proceedings were had in said cause, to wit;

JOHN DOE, on the demise of Lot Clark, Joseph Clarkson, Joseph D. Beers, Andrew Talcott, Brantz Mayer, and Harriet Hackley, vs. JOSEPH ADDISON BRADEN. } Ejectment.

And now, at this day, again came the parties aforesaid by their respective counsel, and also came the jury heretofore empannelled therein, to wit, Jacob Mickler, Andres B. Canova, Bartolo Oliveros, Andrew Pacetty, Peter C. Zylstra, John Prus, Peter Cercopaly, John Pacetty, Andrew Lopez, James Prus, John R. Andrew, and Nicolas Rozero, and the argument of said cause on behalf of said defendant was proceeded in by David Yulee, esq., and there not being time to conclude the hearing argument thereof, the further argument thereof was postponed until to-morrow.

And afterwards, to wit, on the twentieth day of May, in the year last aforesaid, being a day of the April term aforesaid, at the court-house aforesaid, before the court aforesaid, the following further proceedings were had in said cause, to wit:

JOHN DOE, on the demise of Lot Clark, Joseph Clarkson, Joseph D. Beers, Andrew Talcott, Brantz Mayer, and Harriet Hackley, vs. JOSEPH ADDISON BRADEN. } Ejectment.

The judge of this court being indisposed, the further hearing of this cause was postponed to Saturday, the 22d inst.

And afterwards, to wit, on Saturday, being the 22d day of May, in the year last aforesaid, of the term of April aforesaid, at the court-house aforesaid, before the said court, the following further proceedings were had in said cause, to wit:

JOHN DOE, on the demise of Lot Clark, Joseph Clarkson, Joseph D. Beers, Andrew Talcott, Brantz Mayer, and Harriet Hackley, vs. JOSEPH ADDISON BRADEN. } Ejectment.

And now, at this day, came the parties aforesaid by their respective counsel, and also came the jury heretofore empannelled herein, to wit, Jacob Mickler, Andres B. Canova, Bartolo Oliveros, Andreas Pacetty, Peter C. Zylstra, John Pacetty, John Prus, Peter Cercopaly, Andrew Lopez, James Prus, John R. Andrew, and Nicolas Rozero, and the argument of this cause was further proceeded with by Mr. Mayer on behalf of the plaintiff; and there not being time to conclude the hearing of the same, further hearing was postponed to Monday, the 24th inst.

And afterwards, to wit, on Monday the twenty-fourth day of May, being a day of the April term aforesaid, in the year last aforesaid, at the court-house aforesaid, before the court aforesaid, the following further proceedings were had in said cause, to wit:

JOHN DOE, on the demise of Lot Clarke, Joseph Clarkson, Joseph D. Beers, Andrew Talcott, Brantz Mayer, and Harriet Hackley, vs. JOSEPH ADDISON BRADEN. } Ejectment.

And now, at this day, again came the parties aforesaid, and also came the jury heretofore empannelled herein, to wit, Jacob Mickler, Andrew B. Canovas, Bartolo Oliveros, Andrew Pacetty, Peter C. Rylstra, John Prus, Peter Cercopaly, John Pacetty, Andrew Lopez, James Prus, John R. Andrew, and Nicolas Rozero, and the proofs being closed, and the argument of the respective parties concluded, the court charged the jury upon the law of the case; and the jury, under the charge of the court, say upon their oath, that the said defendant is not guilty of the trespass and ejectment within laid to his charge, in manner and form as the said plaintiffs have above thereof declared against him; and thereupon the attorney for the defendant moved for judgment upon the said verdict.

Therefore it is considered by the said court now here, that the said John Doe, or his lessors aforesaid, take nothing by their said bill, and that the said defendant be acquitted of the trespass and ejectment above laid to his charge, and that he go thereof without day, &c. And it is further considered, that the said defendant do recover against the said plaintiff his costs and charges by him about his suit in that behalf expended, to seven hundred and six dollars and five cents *dollars* by the court now here taxed, and that the said defendant have execution thereof.

Bill of exceptions.

Mem.—Be it remembered, that on the trial of this cause, and before the jury retired to deliberate upon their verdict, various exceptions were taken by the counsel, for the plaintiff's lessors, to the rulings and decisions of the said court; whereupon the same were reduced to writing, and sealed by the said judge, in the words and figures following, to wit:

In the district court of the United States, for the northern district of Florida.

JOHN DOE, on the demise of Lot Clark and others,
vs.
JOSEPH A. BRADEN.

At the trial of this cause the plaintiff, to prove the issue on his part, read in evidence, subject to all legal exceptions to their effect, (subject to which extent of exception all the testimony in the case on either side has been introduced,) the following papers, with their respective translations; which translations, however, (as is agreed as to all Spanish documents, in evidence on either side, are subject to any revision and correction, in behalf of either party, at the hearing of the case in the Supreme Court of the United States.)

First. Document A, being a copy of the memorial of the Duke of Alagon, dated 12 July, 1817, and the royal order of 17th Dec., 1817, as extracted from the records of the council of the Indies by Francisco Clemente de la Pena, keeper of archives of royal council.

(Crown. L. S.) (L. S.)

Plaintiff's document marked A.

D. Francisco Clemente de la Pena, archiveso del consejo real, &c., certifico, que en virtud de orden del ex'mo sr. vice presidente del consejo, á solicitud de Doña Jorgiana de Chacon, he reconocido los papeles del archivo del estinguido consejo de Yndias que esta á mi cargo, y en un cuademo que vice consejo, ano de 1817, Nueva Espana, reales secretos, ordenes y resoluciones dirijedas á su real y supremo conseja de Yndias, se encuentra en el celebrado en 20 de Diciembre de dicho

año lo siguiente: Consejo de 20 de Diciembre, al margen, Floridas, el Duque de Alagon, Baron de Espes, ha solicitado terrenos en aquellas provincias, con el fin de fomentar la agricultura y comercio, y S. M. se lo ha concedido siempre que no se oponga a las leyes; el Duque de Alagon, Baron de Espes, ha dirijido al key N. Sor. una representacion del tenor siguiente, senor el Dúque de Alagon, Baron de Espes, capitan de guardias de la real persona de V. M. con el mayor respeto espone: que sienco un interes de la corona que se den a grandes capitalistas los terrenos incultos para que se puebler y cultiven, en lo que resulta unas ventajas demostradas y aconsejadas por todos los politicos, en cuyo caso se hallan mucho ó can los mas del fertil suelo de los ferridas, y siendo tambien un derecho de V. M. como direno absoluto de distribuirlos en obsequis de la agricultura y en premio y recompensa de los servicios interesantes que se le hacer con utilidad de V. M. y de su reyno todo descoro de merecer estos senatados nuestras de aprecio de su magnanimo corason, y de contribuir por sui parte à llenas las miras de poblacion tan interesantes al bien comun, a V. M. suplica se digne concederle el terreno inculto que no se halle cedido en la Florida Oriental situado entre las margenes de los vios Santa Lucia y San Juan, hasta sus embocaduras en el mar y le costa del golfo de la Florida e yslas adyacentes con la embocadura del rio Hijuelos por el grado veinte y seis de latitud siguiendo su orilla inquierda hasta su nacimiento tirando una linea á la laguna Macaco bajando luego por el camino del rio de San Juan hasta la laguna Valves, cortando por otra linea desde el estremo norte de esta laguna hasta el nacimiento del rio Amarima siguiendo la orilla derecha hasta su embocadura por los veinti-ocho ó veinta y cinco grados de latitud, y continuando por la costa del mar con todos sus yslas adjacentes hasta la embocadura del rio Hijuelos, en plena propiedad para si y sus herederos, y permitiandole la introduccion de negros para el trabajo y cultivo de las tierras libre de derechos, gracia que espera merecer de la innata piedad de V. M. cuya preciosa vida que Dios muchos año como le bengo. Madrid, 12 de Julio, de 1817.

Entrado S. M. de su contenido y acreditado celo por el real servicio, como tambien á las ventajas que resultaren al estado del aumento de poblacion y civilizacion de los citados paises que pretende, se ha dignado resolver que se comunique a ese supremo consejo manifestamole que se le concedé la gracia que solicita encuento no se oponga á las leyes; todo lo que comunico e V. E. de su real orden para su inteligencia y la del consejo, y para los demas fines convenientes. Dios guarde a V. E. muchos años. Palacio, 17 de Diciembre, de 1817.

Sr. Presidente del consejo de Yndias, concuerda con su original que queda en este archivo de sui cargo al que me remito. Madrid, catorce de enero de mil ochocientos cincuenta y uno.

JUAN'CO CLEMENTE DE LA PENAS.

D. José de Posada Herrera, secretario general del consejo real, &c., &c., certifico, que D. Francisco Clemente de la Pena es archiveso de

este consejo real, y como tal encargado del archivo del estinguido consejo de Yndias, y que la firma que antecede es la misma que usa en todos sus escrito y para que conste doy la presente en Madrid á veinte de Enero de mil ochociento cincuenta y uno.

JOSE DE POSADA HERREA.

El sub-secretario del ministerio de la gobernacion del Reina, certifico, que D. José de Posada Herrea es como se titula secretario general del consejo rl. y que la firma que antecede es la que acostumbra á usan en sus escritos y para que conste doy la presente en Madrid á veinticuatro de enero de mil ochocientos cincuenta y uno.

JUAN DE LA CRUZ OSES.

Don Luis Lopez de la Torre Ayllon, sub-secretario del ministerio de estado, &c., &c.

Certifico, que la firme que antecede de D. Juan de la Cruz Osés, subsecretario del ministerio de la gobernacion de Reino, es la que acosumbre usan en todos sus escritos oficiales, y para que conste doy la presente en Madrid, a veinte y cinco de Enero de mil ochocientos cinenenta y uno.

LUIS LOPEZ DE LA TORRE AYLLON.

The undersigned envoy extraordinary and minister plenipotentiary of the United States, do hereby certify, that Sr. Dn. Luis Lopez de la Aylion is sub-secretary of state under her Majesty's government, that the foregoing signature purporting to be his is genuine, and the certicate to which his name is attached is in due form.

Witness my hand and the seal of this legation at Madrid, January [L. S.] 27, 1851.

D. W. BARRINGER.

Translation of the plaintiff's document, marked A.

[L. S.] [L. S.]

Don Francisco Clemente de la Pena, keeper of the archives (records) of the royal council, certify, that in virtue of an order of his excellency the vice president of the council, at the petition of Madame Georgiana de Chacon, I have examined the papers of the archives of the extinct council of the Indies which are under my charge, and in a book which says: Council, year 1817, New Spain, royal decrees, orders, and resolutions addressed to his royal and supreme council of the Indies, there is found in that held on the 20th of December, (on the margin,) Floridas, the Duke of Alagon, baron of Espes, has solicited lands in those provinces to the end of promoting agriculture and commerce, and his Majesty has granted it to him, provided it be not opposed to the laws.

The Duke of Alagon, baron of Espes, has addressed to the King, our lord, a petition of the following tenor:

SIRE: The Duke of Alagon, baron of Espes, captain of the guards

of the royal person of your Majesty, with the greatest respect sets forth, that it being of interest to the crown to give to large capitalists the uncultivated lands in order that they may be settled and cultivated, from which great advantages would arise, as are fully demonstrated and recommended by all political writers, and many or nearly the greatest part of the fertile lands of the Floridas being at present in such uncultivated state; and it being also the right of your Majesty as absolute lord or owner to distribute them to promote agriculture, and by way of reward and recompense for the important services which are rendered to the advantage of your Majesty and your whole kingdom—anxious to merit these signal tokens of consideration from your magnanimous heart, and of contributing on my part to promote the views of settlement of so much interest to the general welfare, he prays your Majesty to be pleased to grant him the uncultivated lands not already granted, in East Florida, situated between the banks of the river Santa Lucia and San Juan, as far as their mouths into the sea, and the coast of the gulf of Florida and its adjacent islands, with the mouth of the river Hijuelos by the twenty-sixth degree of latitude, following along the left bank of said river up to its source, drawing thence a line to lake Macaco, descending thence by the way of the river San Juan to lake Valdez, and drawing another line from the extreme north part of said latter lake to the source of the river Amarrima, thence pursuing the right bank of said river to its mouth by the 28 or 25 degrees of latitude, and continuing along the coast of the sea with all its adjacent islands, to the mouth of the river Hijuelos, in full property for himself and his heirs, and permitting him the importation of negroes free of duty to work and cultivate said lands, a favor which he hopes to obtain from the inate benevolence of your Majesty, whose precious life may God preserve many years, as he prays.

MADRID, 12th July, 1817.

His Majesty having taken cognizance of the contents therein, and in consideration of the distinguished merit of this individual, and of his well known zeal for the royal service, and likewise in consideration of the advantages which will result to the State by the increase of the population and civilization of the aforesaid territories, which he solicits, he has deigned to resolve, that the same be communicated to the supreme counsel, declaring to them that the favor which he solicits is granted to him, provided the same be not contrary to the laws; all of which I communicate to your excellency by his royal order for your information and that of the counsel, and for the other necessary ends. God preserve your excellency many years.

PALACE, *December 17th,* 1817.

To the president of the counsel of the Indies: It agrees with the original that remains in this archive under my charge to which I refer. Madrid, 14th January, 1851.

FRANCISCO CLEMENTE DE LA PENA.

Don José de Posada Herrea, secretary general of the royal counsel, &c. &c., do certify, that Don Francisco Clemente de la Pena is keeper of the archives of this royal counsel, and as such has charge of the archives of the extinct counsel of the Indies, and that the preceding signature is the same which he uses in all his writings, and in testimony thereof I give the present at Madrid, on the 20th day of January, 1851.

JOSE POSADA HERREA. [SEAL.]

The sub-secretary of the department of government of the kingdom do certify, that Don José de Posada Herrerea, is as he entitles himself secretary general of the royal counsel, and that the preceding signature is the same that he is accustomed to use in all his writings, and in testimony thereof I give this present, at Madrid, on the 24th January, 1851.

JUAN DE LA CRUZ ORES. [SEAL.]

Don José de la Torre Ayllon, under secretary of the department of state, &c., &c., do certify, that the preceding signature of Don José de la Cruz Ores, under secretary of the department of the government of the kingdom, is the same that he uses in all his official writings, and in testimony thereof I give the present, at Madrid, on the 25th January, 1851.

LOUIS LOPEZ DE LA TORRE AYLLON. [SEAL.]

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, do hereby certify, that Senor Don Lopez de la Torre Ayllon is secretary of state under her Majesty's government, that the foregoing signature purporting to be his is genuine, and the certificate to which his name is attached is in due form.

[SEAL.] Witnesseth my hand and the seal of this legation at Madrid, January 27th, 1851.

D. M. BARRINGER.

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

(Crown L. S.)

Document B, offered in evidence by plaintiff, being a copy of the cedula or royal order of the King of Spain, addressed to the Captain General of Cuba, under date of 6th February, 1818, to give effect to the grant to the Duke of Alagon.

Don Benito Gonzalez de Fejada, secretario de S. M. con ejercicio y archiveso del ministerio de gracia y justicia, certifico: que entre los espedientes que se custodian en al archivo de mi cargo se halla minuta de la cedula siguiente espedida por el suprimido consejo de las Yndias

2630.

al gobernadors capitán general de la Ysla de Cuba y su distrito al yntendente de ejército y real hacienda de la Habana, y su distrito y al gobernadors de la Floridas, el Rey, mi governadors, y capitan general de la Ysla de Cuba y su distrito, el Duque de Alegon, baron de Espes, me hizo presente en esposicion de doce de Julio del año ultimo lo que sigue. Senors, el Duque de Alagón, baron de Espes, capitan de guardias de la real persona de N. M., con el mayor respeto espone, que siendo un interes de la corona que se dén grandes capitalistas los terrenos incultos para que se pueblen y cultiven en loque resultan unas ventajas demonstradas y aconsejadas por todos los politicos, en cuya caso se hallan muchos ó casilos mas del fertil suelo de las Floridas; y siendo tambien un derecho de V. M como dueño absoluto el distribuirlos en obsequio de la agricultura y en premio y recompensa de los servicios interesante que se la hacen con utilidad de V. M. y de su asi no todo deserto de merecen estas senales de aprecio de su magnanimo corazon, y de contribuir por mi parte á llenar las miraf de poblacion tan intercessantes al bien comun, á V. M. suplica se digne consederte el terreno inculto que se halle cedido en la Florida oriental, situado entre las margenes de los rios Santa Lucia y San Juan hasta sus embocaduras en el mar y la costa del golfo de la Florida é yslas adjacentes con la embocadura en el rio Hijuelos, por el grado veinte-seis de la situd siguiendo su orilla izquierda hasta sa nacimiento tirando una linea á la laguna Macaco, bajando luego por el camino del rio de San Juan hasta la laguna Valdés, costando por ostra linea desde el estremo norte de esta laguna hasta el nacimiento del rio Amarrima, siguiendo la orilla derecha hasta su embocadura por los veinti-ocho á veinte-cinco de latitud, y continuando por la costa del mar con todas sus yslas adjacentes hasta la emboeadura del rio Hijuelos en plena propiedad para si y sus heredos, y permitiendose la introduccion de negros para al trabajo y cultivo de las tierras libre de derechos; gracias que espera merecer de la innata piedad de V. M. Enteredo del contenido de este esposicion y atendiendo al distinguido merito de este sugeto y a su acreditado celo por mi real servicio, como tambien á las ventajas que resultaren al estado del aumento de poblacion de los citados paises que pretende, he tenido á bien acceder á la gracia que solicita en cuanto no se oponga a las leyes de estos mis reynos, y comunicarlo al mi consejo de las Yndias para su ejecucion en real orden de diez y siete de Diciembre del referido uño. En su consecuencia os mando y encargo por esta mi real cédula que con arreglo á las leyes que en la materia ansilicio eficazmente la ejacucion de le espresada gracia, tomando todas las disposiciones que se dirigen á su debido efecto sin perjuicio de tercero y para que el espresado Duque de Alagon pueda desde luego poner en ejacucion su designio conforme en todo con mis benéficos deseos en obsequic de la agricultura y comercio de dichas posesiones que llamar por una poblacion proporcionada a la feracides de su suelo y á la defensa y seguridad de las costas: dando cuenta succesivamente de su progreso; entendiendose que la introduccion de negros que comprende la misma gracia debe sujetarse en cuanto al trafico de ellos à las reglas prescritas en mi real cédula de diez y nueve

de Diciembre ultimo, que asi es mi voluntad, y que de esta cédula se tome razon en la contaduria general de Yndias. En palaccio á seis de Febrero de mil ochocientos diez y ocho.

Y para que conste á instancia en nombre de la Sra. Da. Georgiana Stuard, y en virtud de resolucion, doy la presente, sellado con el de esta secretaria en Madrid, á tres de Julio de mil ochocientos cuarenta y siete.

[L. S.]

BENITO GONZALEZ DE FEJADA.

Translation of plaintiff's document marked B.

Don Benito Gonzalez de Fejada, secretary of her Majesty, and recorder of the ministry of grace and justice, do certify, that amongst the documents that are kept in the archives, under my custody, is found a minute of the following cedula, issued by the extinct council of the Indies to the Governor, captain general of the island of Cuba and its district, to the intendant of the army and royal exchequer of the Havana and its district, and to the governor of the Floridas, the king, my governor, and captain general of the island of Cuba and his district:

[L. S.]

The Duke of Alagon, Baron de Espes, represented to me in a petition of the 12th of July of last year the following:

SIRE: The Duke of Alagon, Baron de Espes, captain of the royal guards of the person of your Majesty, with the greatest respect sets forth: That it being of interest to the crown to give large capitalists the uncultivated lands, in order that they may be settled and cultivated, from which great advantages arise, which are fully demonstrated and recommended by all political writers; and many or nearly the greatest part of the fertile lands of the Floridas being at present in such uncultivated state; and it being also a right of your Majesty, as absolute lord (or owner,) to distribute them to promote agriculture, and by way of reward and recompense for the important services which are rendered to the advantage of your Majesty and of your whole kingdom—anxious to merit those signal tokens of consideration from your magnanimous heart, and of contributing on my part to promote the views of settlement of so much interest to the general welfare—he prays your Majesty to be pleased to grant him the uncultivated land, not already granted, in East Florida, situated between the banks of the river Santa Lucia and San Juan, as far as their mouths into the sea, and the coast of the gulf of Florida and its adjacent islands, with the mouth of the river Higuelos, by the twenty-sixth degree of latitude, following along the left bank of said river up to its source, drawing thence a line to Lake Macaco; descending thence by the way of the river San Juan to Lake Valdez, and drawing another line from the extreme north part of said latter lake to the source of the river Amaramina; thence, pursuing the right banks of said river, to its mouth in 28 or 25 degrees of latitude, and continuing along the coast of the sea, with all its adjacent islands, to the mouth of the river Higuelos, in full property for himself

and his heirs, and permitting him the importation of negroes, free of duty, to work and cultivate said lands; a favor which he hopes to obtain from the inate benevolence of your Majesty.

Being informed of the purport of this petition, and taking into consideration the distinguished merit of this individual, and of his well known zeal for my royal service, as also the advantages which will result to the State from the increase of population in the said countries which he solicits, I have thought proper to accede to the gift which he solicits, in so far as it may be not contrary to the laws of these my kingdoms, and to communicate the same to my council of the Indies, for its fulfilment, in my royal [cedula] of the seventeenth day of December of said year. Wherefore I command and require you, by this my royal cedula, that in conformity with the laws touching this matter, effectually to aid the execution of said gift, taking all the measures proper to carry it into effect without prejudice to the rights of a third party; and in order that the said Duke of Alagon may be enabled to put into execution his design, agreeably in every respect to my benevolent wishes, in furtherance of the agriculture and commerce of said possessions, which demand a population proportioned to the fertility of the soil and the defence and security of the coast, reporting hereafter successively the progress that may be made; it being understood that the importation of negroes comprehended in said gift is to be made, as far as the traffic in them is concerned, in conformity with the regulations prescribed in my royal order of the nineteenth of December ultimo, for such is my will; and that account be taken of this royal order in the contaduria general of the Indies Given at the palace, this sixth day of February, one thousand eight hundred and eighteen.

In witness whereof, at the instance of Señora Doña Georgiana Stewart, and in virtue of a resolution, I grant these presents, sealed with the seal of the secretary's office, this third day of July, of the year one thousand eight hundred and forty-seven.

[L. S.]

[L. S.] BENITO GONZALES DE TEJADA.

I do hereby certify that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE, *Translator.*

C.

Translation of document offered in evidence by plaintiff on 11th May, and marked C, being the same cedula or royal order of the 6th February, 1818, as it exists in the Spanish archives at St. Augustine, and original of the same in Spanish.

The King.

My Governor of the Floridas, the Duke of Alagon, Baron of Espes, has represented to me what follows:

SIRE: The Duke of Alagon, Baron of Espes, captain of your Ma-

jesty's royal body guard, with the greatest respect submits, that it being the interest of the crown to grant to large capitalists the uncultivated lands for the purpose of settling and cultivating them, from which result some advantages indicated and advised by all political economists, of which character is much or nearly the greater portion of the fertile soil of the Floridas; and it being furthermore the right of your majesty, as absolute proprietor, to dispense them for the encouragement of agriculture, as a reward and recompense for eminent services rendered you, to your majesty's well being as well as that of your whole kingdom. Desirous of meriting these tokens of the esteem of your noble heart, and of contributing on my part to carry out views with reference to population so essential to the general welfare, he prays your majesty that you will deign to bestow on him the uncultivated lands not granted in East Florida, situate between the borders of the rivers St. Lucia and St. John as far as their mouths, and the shore of the gulf of Florida and the adjacent islands, with the mouth of the river Hijuelos, by the twenty-sixth degree of latitude, following its left bank to its source, drawing a line to lake Macaco; thence, descending by the course of the river St. John, to lake Valdez, cutting by another line from the extreme north of this lake to the source of the river Amarima, following the right bank to its mouth by the twenty-eighth or twenty-fifth of latitude, and continuing along the sea shore, including all its adjacent islands, to the mouth of the river Hijuelos, in absolute property for himself and his heirs, the introduction of negroes for tilling and cultivating the lands being also permitted free of duty, a favor which he hopes to merit from the natural goodness of your majesty.

Being made acquainted with the purport of this representation, and regarding the eminent merit of this individual, and his undoubted zeal in my royal service, as well as the advantages which will accrue to the state from an augmentation of population in the countries before mentioned which he solicits, I have thought proper to accede to the favor which he requests, so far as it does not conflict with the laws of these my realms, and to communicate the same that it may be carried into effect to my council of the Indies in a royal decree of the seventeenth of December of the said year.

Wherefore I do command and charge you, by this my royal patent, that, in conformity with the laws which govern the matter, taking all measures for its fulfilment without prejudice to a third party, and that the said Duke of Alagon be enabled to carry his designs into effect in strict conformity, in all respects, with my beneficent desires with reference to the trade and culture of the said possessions, which demand a population suited to the fertility of the soil as well as to the defence and security of its coasts, he making regular report of his progress; it being understood that the introduction of negroes, which the same favor embraces, must be subject, so far as regards the traffic in them, to the laws prescribed in my royal patent of the nineteenth of December last, since such is my will; as also that account be taken of this patent in the exchequer general of the Indies.

Dated in the palace, on the sixth of February, eighteen hundred and eighteen.

I, THE KING.

By order of our lord the King.
Signed, ESTEBAN VAREA.

Fees sixteen and a half reals of silver. Four flourishes.

Duplicate.

To the Governor of the Floridas, that he may take proper measures for carrying into effect the grant made to the duke of Alagon, of various lands situated in East Florida, together with all other matters touching the same.

Corrected account of the same has been taken in the exchequer general of North America, Madrid, sixteenth of February, eighteen hundred and eighteen.
Signed, JOSEPH DE TEXADA.

Saint Augustine, 30th of June, 1818. Let account be taken in the royal offices of this place.
Signed, JOSE COPPINGER.

Account has been taken of this royal patent in the royal offices under our charge. St. Augustine of Florida, thirtieth of June, eighteen hundred and eighteen.
Signed, GONZAGA GARCIA DE PRADO,
" TADEO DE ARRIBAS.

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.
Signed, JOHN M. FONTANE,

Special translator, dist. court U. S., northern dist. of Florida.

Plaintiff's document marked C, in Spanish.

El Rey.

Mi gobernador de las Floridas, el Duque de Alagon, Baron de Espes, me hijo presente en expocision de doce de Julio del año ultimo lo que sigue: Señor el Duque de Alagon, Baron de Espes, capitan de guardias de la rl. persona de V. M. con el mayor respeto expone: que siendo un interes de la corona que se den á grandes capitalistas los terrenos incultos para que se pueblen y cultiven, en lo que resultan unas ventajas demostradas y aconsejadas por todos los politicos, en cuyo caso se hallan muchos ó casi los mas del fertil suelto de las Floridas, y siendo tambien en derecho de V. M. como dueno absoluto el distribuirlos en obsequio de la agricultura y en premio y recompensa de los servicios intercesantes que se le hacen con utilidad de V. M. y de su reyno todo deseoso de merecer estas senales de aprecio de su magnanimo corazon;

y de contribuir por mi parte á menar las miras de poblacion tan interesantes al bien comun, a V. M. suplica se digne concederle el terreno inculto que no se hacer cedido en la Florida Oriental, situado entre las margenes de los rios Santa Lucia y San Juan, hasta sus embocaduras en el mar y la costa del golfo de la Florida e yslas adjacentes con la embocadura en el rio Hijuelos por el grado veinte y seis de latitud, siguiendo su orilla izquierda hasta su nacimiento, tirando una linea á la laguna de Macaco bajando luego por el camino del rio de San Juan hasta la laguna Valdez, costando por otra linea desde el extremo norte de esta laguna, hasta el nacimiento del rio Amarrima, siguiendo la orilla derecha hasta su embocadura por los veinte y ocho a veinte y cinco de latitud, y continuando por la costa del mar con todas sus islas adjacentes hasta la embocadura del rio Hijuelos, en plena propiedad para si y sus herederos, y permitiendose la introduccion de negros para el trabajo y cultivo de las tierras, libre de derechos ; gracia que espera merecer de la innata piedad de V. M. Enterado del contenido de esta expocision y atendiendo al distinguido merito de este sugeto y a su acreditado celo por mi real servicio, como tambien á las ventajas que resultaren á el estado del aumento de poblaccion de los citados paises que pretende he tenido á bien acceder á la gracia que solicita, en quanto no se oponga á las leyes de estos mis reyons, y comunicado al mi consejo de las Indias para sa ejecucion, en real orden de diez y siete de Diciembre del referido año. En sa consequencia os mando y encargo por esta mi real cedula que con arreglo a las leyes que rigen en la materia, auxilieis eficarmente la execucion de la expresada gracia, tomando todas las dispocinones que se dirijan á su devido efecto un perjuicio de tercero y para que el expresado Duque de Alagon pueda desde luego poner en execucion su designio conforme en todo con mis beneficos deseos, en obsequio de la agricultura y comercio de dichas poseciones que llaman por una poblaccion proporcionada á la ferocidad de su suelo y a la defensa y seguridad de las costas, dando cuenta succesivamente de su progreso, entendiendose que la introduccion de negros que comprehende la misma gracia deve sugetarse en quanto al traficos de ellos, á las leyes prescriptas en mi real cedula de diez y nueve de Diciembre ultimo, que asi és mi voluntad, y que de esta cedula se tome razon en la contaduria general de Indias. Fecha en palacio á seis de Febrero, de mil ochocientos diez y ocho.

Yo, EL REY.

Por m'do del Rey ntro. sr.
Signed, ESTEBAN VAREA.

Dros siez y diez y medio r. de plata. 4 flourishes.

Daf'd. Al gobernador de las Floridas para que disponga lo conveniente á que tenga efecto la gracia concedida al Duque de Alagon de varias terrenos situados en la Florida Oriental, con lo demas que expresa.

CORR'DA.

Tomase razon en la contaduria general de la America septentrional. Madrid, diez y seis de Febrero, de mil ochocientos diez y ocho.

Signed, JOSEPH DE TEXADA.

San Augustin, 30 de Junio, de 1818. Tomese razon en los rs. oficios de esta plaza.

Signed, JOSE COPPINGER.

Tomase razon de esta real cedula en los res. oficios de nuestro cargo. San Ag'n de la Florida, treinta de Junio, de mil ochocientos diez y ocho.

Signed, GONZALES GARCIA DE PRADO,
" TADO DE ARRIBAS.

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office, this eighth day of November, A. D. one thousand eight hundred and forty-seven.

Signed, ANTONIO ALVAREZ, *K. P. A.*

Plaintiffs' document D, offered in evidence May 11, 1852, being a power of attorney from the Duke of Alagon to Don Nicolas Garrido, dated 27th February, 1818.

[SEAL.] D. [SEAL.]

En la villa de Madrid, á veinte y siete de Febrero de mil ochocientos diez y ocho, ante mi, el ex'mo de Camara, notario de los reynos y testigos, que se diran el ex'mo Señor D. Francisco Ramon de Spes, Fernandez de Cordova y Alagon, Glimes, de Bravante, Aragon, Baran, Martinos de Luna, Mancayo, Palafox, Herrera, Roxas y Guzman, etc.; Duque de Alagon, Baron de Spes y Alfajaran, conde del Castelflorido, dueño y senor temporal del expresada Baronia de Spes, y lugares de Spes, Chiriveta y Mangay, y de la de alfajaria y villa del mismo nombre, y de los lugares de Nuan y Faulete, del Castillo de Aurano, y Pardina de Curros, etc.; grande de España de primera clase, y gran cruz de la real y distinguida or'n Española de Carlos Tercero, y de la real y militar de San Henrievejildo, cavalero de la esclarida orden de San Juan de Jerusalem, commendador de Ademir y Castelfair en el militar de nuestra Señora de Mantesa; conde cavado con la flor de liz de Francia, academico de honor de los reales de Madrid, Saragoza, y Valencia; protector del real canal de Marocanares, consejo nato en el supremo de la guerra, gentil humbre de camara de S. M., con exercicio teniente general de los reales exercitos, y capitan comandante, inspectar y gefe superior del real cuerpo de guardias de la persona del rey, dixo: Que el rey, nuestra Senor, (que Dios gue., por su real orden de diez y siete de Diciembre del año proximo pasado, de mil ochocientos diez y siete, tuvo a bien condescendiendo con la suplica que S. E. le dirigio, con fha. de doce de

Julio, del mismo, y en consideracion á su distinguido merito y acreditado celo, hacia el real servicio de S. M. y su soverano persona, concederle en plena propiedad, para si y sus herederos, el terreno inculto que no se hallaba cedido en la Florida Oriental, situado entre las margenes de los rios Santa Lucia y San Juan, hasta sus embocaduras en el mar, y la costa del golfo de la Florida é islas adjacentes, con la embocadura en el rio Hijuelos, por el grado veinte y seis de latitud, siguiendo su orilla isquierda hasta su nacimiento, tirando una linea a la laguna Macaco, bajando luego por el camino del rio de San Juan hasta la laguna Valdes, costando por otra linea desde el extremo norte de esta la laguna Valdes, costando por otra linea desde el extremo norte de esta laguna hasta el nacimiento del rio Amarrima, siguiendo la orilla isquierda hasta su embocadura por los veinte y ocho á veinte y cinco de latitud, y continuando por la costa del mar, con todas sus islas adjacentes, hasta la embocadura del rio Hijuelos, expidiendo de ello á su favor la correspondiente real cedula con fha. en el real palacio de esta corte á seis del corriente, firmado de su real mano, y refrendada por el Señor Don Estevan Varca, su secretario, y del supremo consejo de las Indias, concediendole por ella facultad á S. E. para que verifique la introduccion de negros para el travajo y cultivo de las tierras libre de derechos; segun que todo mas extensamente consta y aparea de la mencionada real cedula, que testimoniada ; y para lo mayor validacion de lo que se referiza aqui se inserta y su tenor és al siguiente:

EL REY.

Mi, governador y capitan general de la Isla de Cuba y su distrito, el Duque de Alagon, Baron de Spes, me hizo presente en exposicion de doce de Julio del año ultimo lo que sigue :

Señor : El Duque de Alagon, Baron de Spes, capitan de guardias de la real persona de V. M., con el mayor respeto, expone, que siendo un interes de la corona, que se der á grandes capitalistas los terreno. incultos para que se pueblen y cultiven, en lo que resultan unas ventajas demostradas y consejadas por todos los politicos, en cuyo caso se hallan muchos ó casi los mas del fertil suelo de la Floridas; y siendo tambien un derecho de V. M. como dueño absoluto, el distribuirlos en obsequio de la agricultura, y en premio y recompensa de los servicios interesantes que se le hacen con utilidad de V. M., y de su reyno todo, deseoso de merecer estas señales de aprecio de su magnanimo corazan, y de contribuir por mi parte á llenar los nivros de poblacion tan interesantes al bien comun, á V. M. suplica se digne concederle el terreno inculto que no se halla cedido en la Florida Oriental, situado entre las margenes de los rios Santa Lucia y San Juan, hasta sus embocaduras en el mar, y costa del golfo de la Florida, é islas adjacentes, con la embocadura en el rio Hijuelos, por el grado de veinte y seis de latitud, siguiendo su orilla izquierda hasta la laguna Valdes, costando por otra linea desde el extremo norte de esta laguna hasta el nacimiento del rio Amarrima, siguiendo la orilla derecha hasta su embocadura

por los veinte y ocho á veinte y cinco de latitud, y continuando por la costa del mar, con todas sus islas adjacentes, hasta la embocadura del rio Hijuelos en plena propiedad, para si y sus herederos, y permitiendoze la introduccion de negros para el trabajo y cultivo de las tierras libre de derechos, gracia que espera merecer de la innata piedad de V. M. Enterado del contenido de esta exposicion, y atendiendo el distinguido merito de este sujeto y su acreditado celo por mi real servicio, como tambien á las ventajas que resultaran al estado del aumento de poblacion de los citados paises que pretende he tenido á bien acceder á la gracia que solicita en ejecanto no se oponga á las leyes de estos mis reynos, y comunicandolo al mi consejo de los Indias para su execucion, en real orden de diez y siete de Diciembre del referido año. En su consecuencia os mando y encargo por esta mi real cedula, que con arreglo á las leyes que sigue en la materia auxilicio eficarmente la execucion de la expresado gracia, tomando todas las disposiciones que se dirijan á su devido efecto, sin perjuicio de tercero; y para que el expresado Duque de Alagon pueda desde luego poner en execucion su designio, conforme en todo con mis beneficos deseos en obsequio de la agricultura y comercio de dichas posesiones, que clamar por una poblacion proporcionada á la ferocidad de su suelo y á la defensa y seguridad de las costas, dando cuenta subcesivamente de su progreso entendiendose que la introduccion de negros, que comprende la misma gracia deve sugetarse en quanto al trafico de ellos á las reglas prescriptas en mi real cedula de diez y nueve de Diciembre ultimo, que asi és mi voluntad, y que de esta cedula se tome razon en la contaduria g'ral de Yndias.

Fecha en palacio ci seis de Febrero de mil ochocientos diez y ocho.

Yo, EL REY.

Por mandado del Rey, nustro señor.

ESTEVAN VARCA.

Derechos sesenta rs. plata. Ay quatro rubricas. Duplicado. Al governador y capitan general de la Ysla de Cuba y su districto, para que disponger lo conveniente á que tenga efecto la gracia concedida la Duque de Alagon, de varios terrenos, situados en la Florida Oriental, con lo demas que espresa.

CORREGIDO.

Ay rubrica. Tomose rason en la contaduria general de la America, Septentrional; Madrid diez y seis de Febrero de mil ochocientos diez y ocho.

JOSEF DE TEXADA.

Corresponde con su original que ci el efecto me fue exivido por el ex'mo senor Duque de Alagon, á quien lo debolos de que doy fee y á que me remitio. Y para que conste á su instancia, yo, el infrascripto ex'mo de Camara del Rey, nuestro señor, notario de los reynos y del

ill'o colegio de esta corte, doy y firmo el presente en Madrid, a veinte y siete de Febrero de mil ochocientos diez y ocho.

D. ROMAN LORENZO CALVO.

Concuerda can su original que queder unido é circonparado al registro protocolo de este instrumento, de que doy fé y á que me remito; y en su consequencia no permitiendo á S. E. asi los graves ocupaciones y atenciones que tiene á su cargo, como el continuo real servicio imediato á la real personos de S. M. el pasar personalmente á tomar posesion hacerse cargo administrar regia, y acordar por si las disposiciones convenientes, afin de que tenga efecto en todos sus partes la mente de S. M. manifestada bien terminamente en la explicados real zedula de seis del corriente, ha deliverado despues de un maduro examen conferir este importante encargo á una persona de su entra satisfaccion y confianza, y teniendolo que puede apetecer al efecto á Sr. Dn. Nicolas Garrido, residente actualmente en esta corte asi por la providad como por sus grandes conocimientos; en su consecuencia poniendolo en ejecucion por el presente en la via y forma que mas haya lugar en derecho cierto y savedor S. E. del que en este caso le compete; otorga que da y concede el mas amplio y general poder qual pu derecho se requiera para el caso, y cosas que se referizar al nominado D. Nicolas Garrido, á fin que en nombre del ex'mo Señor Duque de Alagon, otorgante y representando su propria persona, derecho y acciones se constituyo y presente ante el ex'mo señor capitan general de la Ysla de Cuba, governador de la Habana, intendente governador de la Florida, y demas autoridades, ministros, justicios, de aquello dominio, que correspondo y precedido la correspondiente venia y licencia tome y aprenda con arreglo á las leyes que rigen y goviernan en ellas, la posesion real corporal vel quasi en forma del terreno inculto que S. M. se ha servido ceder en toda propiedad á S. E., para si, y sus herederos, in la Florida Oriental, por la mencionada real cedula, y esta situado entre las margenes de los rios Santa Lucia y San Juan, hasta las embocaduras en el mar y la costa del golfo de la Florida, é yslas adjacentes, con la embocadura en el rio Hijuelos, por el grado veinte y seis de latitud, siguiendo su orilla isquierda hasta su nacimiento, tirando una linea a la laguno Macaco, vajando luego por el camino del rio de San Juan hasta la laguna Valdes, costando por otra linea desde el extremo norte de esta laguna hasta el nacimiento del rio Amarrima, siguiendo la orilla derecha hasta su embocadura por las veinte y ocho á veinte y cinco de latitud, y continuando por la costa del mar con todas sus yslas adjacentes hasta la embocadura del rio Hijuelos, y en seguida el estado Dn. Nicolas Garrido procedera á administrar lo governarlo y dirigirlo per si, tomando las disposiciones convenientes á que se verifique quanto antes sea posible el desmonte y limpia de todo malera de los sitios y parages que el contemple mas precisos y a proposito para la poblacion; asi mismo tomara las medidas mas energicas y oportunas a que a la mayor posible brevedad, tenga efecto el dar principio a la poblacion, procurando progresivamente su aumento y redi-

ficacion de edificios y arte factos en lo que tendra S. E. la mas entera y completa satisfaccion por remase en un todo a las justas y sanas intenciones del rey nuestro señor. Ygualmente le dar y confiere poder y facultad S. E. para que en sa nombre y representacion pueda proceder y proceda el referdo D. Nicolas Garrido no solo a la introduccion de los negros necesarios para y precisos la *elamacion* y cultivo de las mencionadas tierras libre de direchos conforme a la determinado por S. M. en la real zedula citada de seis del corriente, si tambien a la vento y enagenacion de los porciones de terrenos de los que tan referidas que tenga a bien a la persona ó personas, companias, corporaciones ó comunidades que le pareciere por la cantidad, modo, y forma de pagos que estime y contemple mas utiles y ventajosos a los derechos de S. E. Otorgando asi sobre esto como sobre los demas casos y cosas que occurran en al asunto las escrituras instrumentos y documentos convenientes con las clausulas, pactos, condiciones, requisitos, y circunstancias que lo parecieren, y porque mas aproposito a las intenciones de S. E.; las quales desde ahora para entonces, ha aprueba y ratifica el ex'mo señor Duque, otorgante tal y como si por si mismo fueren hechas otorgadas y convenidas si se hallase presente en atencion a la suma, satisfaccion, y confianza que le merece el Dn. Nicolas Gerrido arreglandose en todo a los usos, costumbres y practica de aquellos paises, a las leyes que rigen y goviernan en ellos a la real zedula de f ha. á seis del corriente, que ha insertar, y los ordenes é instrucciones que arregladas a su tenor le comunique S. E. por sus cartas, misivas, las quales quiene tengan tanta fuerza y validacion como se estubieran espresa y terminante extente comprendidas in este poder especial y general, facultandole igualmente S. E. para que de su cuenta y viesgo pueda substituir este poder en uno ó mas sujetos para solo el caso ó particular de administrary poblar las mencionadas terrenos, revocando unos substituyos y nombrando otros de nuevo. Tambien lo confiere poder para que pida y tome cuentos a la persona ó personas, companias, cavildos, crucejos, ayuntamientos, y demas que corresponda haciendoles cargo de todo aquello que conceptue deve hacerselo, aprovandolas lisa y llanamente siempre que las encuentre arregladas y no lo estando las pondra los agrarios que contengan, que seguira hasta que queden sin ellos, nombrando en su caso contadas ó contadores tercero en discordia ó de oficio en reveldia, dando de quanto percisiere y cobrare los recivos cartas de pago finiquitos lastos y demas resguardos que le fueren pedidos por los sujetos que lo puedan hacer, con fé de entrega siendo esta de presente de lo que perciva y cobre ó renunciacion de las leyes que tratan de la materia si no le fuese. Para que las cosas y casos que buenamente no pueda convinar y transigir con qualesquiera personas, corporaciones, o autoridades las comprometa en su caso en jueces arvitros, contradores y amigables campanodores haciendo que las otras partes executer lo mismo, obligandose a estar y pasar por sus actos juicios penas y sentencias, y ultimamente le da y confiere poder y facultad para que si en rason de la referida cada cosa o parte fuere preciso parecer en juicio a nombre de S. E. lo ejecute en los jurgados y tribunales superiores é inferiores, eclesiasticos, militares y civiles, que corresponda, haciendo y presentando pedimentos, memoriales, represen-

taciones, requirimientos, citaciones, oposiciones, testigos, instrumentos, y tachos, contradicciones, demandas, sus contestaciones, protestas, juramentos, recusaciones en prueba ofrera de ella haza y ofresca la que crea util y combeniente a las dns. de S. E. pida execuciones, prisiones, solturas, embargos y desembargos de bienes, su venta trance y remate con posesion y amparo; oyga autos y sentencias, interlocutorios, y definitivas, consierta las favorables y de las adversas apele y suplique para ante quien con derecho corresponda siguiendo las tales apelaciones y suplicas en todas instancias y tribunales *gane* y obtenga reales provisiones cedulas y todo genero de despachos que hasa llevar a pena y devida execucion; y finalmente haya y practique a nombre de S. E. todos los demas entos pasos y diligencias que judicial ó extrajudicialmente se requieran y el Señor Duque otorgante havia y practicaria por si hallandose presente pues el poder especial y general que para todo necesite el mencionado Dn. Nicolas Garrido, el mismo le da y confiere S. E. sin nunguna limitacion con todas sus incidencias y dependencias anexidades y conexidades libre franca y general administracion, relevacion, y obligacion que segun derecho hace se haber lo por firme con poderio y sumision a las justicias y autoridades competentes, y que de las causas y negocios puedan y devan conocer á cuyo fuero y jurisdiccion y al de cada uno en solidam se suelte renuncia el suyo proprio jurisdiccion, domicilio y necesidad leyes fuesos y derechos de su favor con la general de ellas en forma, dandole asi mismo facultad para que en quanto a en juicias lo puede substituir y substituya en quien ó quienes le pareciese revocando en su caso unos y nombrando otros; y asi lo digo otorgo y firmo S. E. a quien doy fe conosco siendo testigos D. Vicente Murillo y Mantes, D. Lorenzo Linares, y Dn. Hilarian de Bevara, vecinos y residentes en esta corte. P. el Duque de Alagon, Baron de Spes. Ante mi, Roman Lorenzo Calva.

Yo, Dn. Roman Lorenzo Calvo, escribano de camara del Rey nuestro señor, en el real y supremo consejo de la guerra y de los cuerpos y tropas de casa real y sus jusgado privativo, notario de los reynos é individuo del ylle. colegio de esta corte, presente fui a su otorgamiento y en fe de ello lo signo y firmo en dho. dia en pliezo del sello segundo e intermedio de quarto de a quarenta maravedis en el que queda el registro protocolo con la nota de esta saca.

Esta signado, ROMAN LORENZO CALVO.

Concuerda con su original que a este efecto me fue exivido por el ex'mo Señor Duque de Alagon a quien lo devolvi y firma su recivo de que doy fe y a que me remeto; y para que conste devido convenga a su instancia, yo, el infrascripto, secretario del Rey, escribano de camara, notario de los reynos e individuo del ille. colegio de esta corte ponga el presente que signo y firmo en Madrid, a diez de Febrero, de mil ochocientos veinte y quatro.

Rmo. el original, signed p. el Duque de Alagon, Baron de Spes.

(Flourish)

ROMAN LORENZO CALVO.

2136.

Duplicado. Legaliz'n. Los escribanos del Rey N. S. y del ilustre colegio de esta corte que aqui signamos y firmamos certificamos y damos feé ; que Don Roman Lorenzo Calvo por quien está autorisado el anterior documento es tal secretario del Rey, en este [illegible]no de camara del consejo supremo de la guerra, notario de los reynos y individuo del ylustre colegio de esta corte, como se titula y nombra fiel, legal y ai toda confiansa y por lo mismo a quantos instrumentos autoriza y firma siempre se los hadado y da entera fee y credito, judicial y extrajudicialmente ; y para que conste dando convenga á su instancia damos el presente, sellado con el del mismo colegio en Madrid, fha. ut supra.

Flourish. Flourish. Flourish.

MANUEL JOSE OLMEDA,
VALENTIN SANTA DIAS,
VICENTE GOMEZ.

Seal of College of notarial escribanos of Madrid.

D. Miguel Garcia Correjo, ministro homo rano de la rl. audiencia y teniente corregidor de esta muy heroica villa de Madrid, certifico, que Dn. Manuel Jose Olmeda, D. Valentin Santos Dias, y Dn. Vicente Gomez, por quienes esta signada y firmada la precidente legalizacion, son notarios escribanos reales del ilustre colegio de esta corte, y se hallan en el uso y ejercicio de su oficio, y pa. gl. conste confirme en dha. villa y corte de Madrid, a 12 de Agosto, de 1833.

MIGUEL GARCIA CORREJO.

Don Manuel Garcia Herrero, procer del reyno del consejo del estado, notario mayor y secretario de estado y del despacho universal de gracia y justicia de Espana e Yndias, &c., &c., certifico, que Dn. Miguel Garcia, por quien esta autorizado el anterior documento, es tal teniente de corregidor de la villa y corte de Madrid, como se titula y de su puño la firma que pune ; y pora que conste doy el presente en Madrid á trece de Agosto, de mil ochocientos treinta y cinco.

ML. GARCIA HERREROS.

Don Jose Maria Lucipo de Llano, conde de Toreno, presidente del consejo de nuestros primer secretario de estado y de despacho, &c.

Certifico que la firma que antecede és del Señor Don Manuel Garcia Herreros, secretario de estado y del despacho universal de gracia y justicia de España é Yndias como se titula.

[SEAL.] Y para que conste doy la presente en San Yldefonso, á diez y ocho de Agosto, de mil ochocientos treinta y cinco.

EL CONDE DE TORENO.

LEGATION OF THE UNITED STATES,
Madrid, August 18, 1835.

I, the undersigned, Cornelius P. Van Ness, minister plenipotentiary of the United States, near her Catholic Majesty, do hereby certify, that

the Count of Toreno is the first or principal secretary of state of her Catholic Majesty, and as such the minister of foreign affairs, and that the signature of his name to the foregoing certificate is in his own handwriting, and the seal thereto affixed is the seal of his department.

[SEAL.] In witness whereof I hereunto affix my signature, together with the seal of this legation.

(Signed) C. P. VAN NESS.

Translation of plaintiff's document marked D, being a power of attorney from the Duke of Alagon to Dn. Nicolas Garrido.

[L. S.] In the borough of Madrid, this twenty-seventh day of February, one thousand eight hundred and eighteen, before me, a notary of the King's supreme tribunal and publics of these kingdoms, and in the presence of the witnesses that shall be named, his excellency, Don Francisco Ramon de Spes, Fernandez de Cordoba y Allagon, Glemis de Brabante, Aragon, Bazan, Martinez de Guna, Mencayo, Palafox Herrera, Roxas y Guzman, &c.. Duke of Alagon, Baron of Spes, and Alfajarón, Count of Castil Florida, proprietor and lord temporal of said Barony of Spes, and towns of Spes, Chiriveta and Mangay, and of the Barony of Alfajarin, and borough of the same name, and the towns of Mucy and Tarlete of the Castle Augane, Pardina, de Cucrov, &c., Grandee of Spain of the first class; grand cross of the royal and distinguished Spanish order of Charles the Third, and of the royal and military order of St. Hermangilda, Knight of the illustrious order of St. John of Jerusalem, commenday of Ademur and Castiljavi in the military order of our Lady Montrose, decorated with the fleur de lis of France, honorary member of the royal academies of Madrid, Saragosa and Valencia, protector of the royal canal of Manganares, counsellor ex-officio of the supreme council of war, gentleman of his Majesty's chamber in exercise, lieutenant general of the royal armies, and captain, commander and inspector, and first chief of the royal corps of the personal guards of the King our lord, (whom God preserve,) by his royal decree of the seventeenth day of December, of the year last past, one thousand eight hundred and seventeen, was pleased, in compliance with the prayer of his excellency, dated of the twelfth day of July, of said year, and in consideration of his distinguished merit, and well proved zeal for the royal service of *he* Majesty, and his sovereign person, to grant him in full property for himself and heirs, the uncultivated lands not before granted in East Florida, situated between the river St. Lucy, and St. John, as far as their mouths, east of the gulf of Florida, and islands adjacent to the mouth of the river Hijuelos, by the twenty-sixth degree of latitude, and along the left bank of said river up to its source; drawing thence a line to lake Macaco, coming thence down the river St. John to lake Valdez, and drawing another line from the northermost part of this latter lake to the source of the river Amarrima; thence pursuing the left bank of said river to its mouth by the twenty-eight or twenty-fifth of latitude, and going along the seacoast with all the adjacent islands to the mouth of river Higue-

los; the corresponding royal order for the same having been issued at the royal palace of this court, under date of the sixth inst., signed by his Majesty's own hand, and countersigned by Signor Don Estaban Varen, his secretary of the supreme council of the Indies, granting thereby to his excellency authority to import negroes free of duty to work and cultivate the lands, as it does more freely appear from the tenor of said royal order, which being duly certified, and for the greater validity of what will hereafter be mentioned, it is here inserted, whose tenor is as follows:

(*Royal order.*)

THE KING. My governor and captain general of the Island of Cuba, and its district, the Duke of Alagon, Baron of Spes, represented to me in his memorial, dated the 12th of July, of last year, what follows:

SIRE. The Duke of Alagon, Baron of Spes, captain of the guards of the royal person of your Majesty, with the greatest respect sets forth, that it being the interest of the crown to grant to large capitalists the uncultivated lands, in order that they may be settled upon and cultivated, whence great advantages arise, which are fully demonstrated and recommended by all political economists, and there being many lands, perhaps the greatest part of the fertile soil of the Floridas, not in a state of cultivation, and your Majesty having the right as absolute proprietor of distributing those lands, for the benefit of agriculture, and by way of reward and recompense for important services which are rendered to the advantage of your Majesty, and of your whole kingdom; anxious to merit these tokens of consideration from the magnanimous heart of your Majesty, and of contributing on my part to promote the views of settlement, an object of so much importance to the common welfare, pray your Majesty to be pleased grant to him the uncultivated land not before granted in east Florida, situated between the banks of the rivers St. Lucy and St. John, as far as their mouth where they fall into the sea, and the coast of the gulf of Florida, and adjacent islands, to the mouth of the river Hijuelos, by the twenty-sixth degree of latitude, and along the left bank of said river up to its source, drawing thence a line to lake Macaco, descending thence by the river St. John to lake Valdez; and drawing another line from the northermost part of this latter lake to the source of the river Amarrima; thence pursuing the left bank of said river to its mouth, by the twenty-eight or twenty-fifth of latitude, and continuing along the seacoast with all its adjacent islands to the mouth of river Hijuelos, in full property for himself and his heirs, and permitting him the importation of negroes free of duty, for working and cultivating the lands; a favor which he hopes to obtain from the inate benevolence of your Majesty. Being informed of the purport of this petition, and regarding the distinguished merit of this individual, and his well known zeal for my royal service, as well for the advantages which will accrue to the state from the augmentation of population in the

countries before mentioned, which he solicits, I have thought proper to accede to the favor prayed for, so far as it does not conflict with the laws of these my realms, to communicate the same to my council of the Indies in my royal order of the seventeenth day of December, of said year of its execution.

Wherefore I command and require you, by this my royal order, that in conformity with the laws governing in matters, you lend the necessary assistance to the execution of said concession, taking all the measures proper to carry it into effect without prejudice to a third party, and in order that said Duke of Alagon may proceed amediately to carry into execution his design agreeably to my benevolent wishes, in favor of the agriculture of commerce of said professions which demand a population proportioned to the fertility of the soil, and to the defence and security of the seaconst; he making report of his progress successively; it being understood that the importation of negroes allowed in said concession is to be made in conformity with the regulations of that trade prescribed in my royal order of the nineteenth December, for such is my will; this royal order shall be registered in the contaduria general of the Indies. Given at the palace, this sixth day of February, in the year one thousand eight hundred and eighteen.

I, THE KING.

By the command of the King our lord ESTEBAN VAREA.

Fees sixty rials plata; four flourishes.

Duplicate. To the governor and captain general of the Island of Cuba and its districts, that he may take proper measures to render effectual the favor granted to the Duke of Alagon, of various lands situated in east Florida, with other matters therein expressed.

Corrected. Cone flourish. Registered in the contaduria general of North America, Madrid, this sixteenth day of February, in the year one thousand eight hundred and eighteen.

JOSEPH DE TEXADA.

It agrees with the original which was for the purpose presented to me by his excellency Lord Duke of Alagon, to whom I return it, which I attest, and to which I refer myself.

In testimony whereof I, the undersigned, notary of the supreme tribunal of the King our lord, and public of these kingdoms, and one of the quorum of this court, do give and sign these presents in Madrid, this twenty-seventh day of February, in the year one thousand eight hundred and eighteen.

DON RAYMON LORENZO CALVO.

It agrees with the original which remains attached to and incorporated in the record of this instrument, in the register thereof enrolled at my office, which I attest, and to which I refer; consequently his excellency not being able, both from the weighty matters which are committed to his care, and occupy his attention, and his constant service immediately about the royal person of his Majesty, to go personally to take possession, assume the management and administration himself,

direct and devise proper means to carry into full and complete effect the resolution of his Majesty, clearly manifested in said royal order of the sixth inst., has determined after mature consideration to confer this important trust upon a person of his entire satisfaction and confidence, and such being the case with regard to Don Nicolas Garrido, at present residing at this court, as well for his probity and vast information, as for his experience, therefore he has made choice of him for the execution of the business, and by these presents, his excellency knowing and exercising his rights, has in the most legal manner agreed to go, and by these presents does confer and grant the most complete and general power which by care may be required for the purpose and matters which will be hereafter mentioned, unto the said Don Nicolas Garrido, in order that, in the name of the most excellent Duke of Alagon, his constituent, and representing his own person, rights, and actions, may repair, and present himself before his excellency the captain general of the island of Cuba, governor of the Havana, intendant governor of Florida, and other authorities, ministers, and justices of those dominions, to whom it may appertain; and after obtaining their assent and permission, as it is fit, to proceed in conformity with the laws there in force, to take real and corporeal possession, in fact and in due form, of the uncultivated lands which his Majesty has been pleased to grant in full property to his excellency, for himself and his heirs, in East Florida, by the aforesaid royal order, and which lands are situated between the banks of the rivers St. Lucy and St. John, as far as their mouth where they fall into the sea, and the coast of the gulf of Florida and adjacent islands to the mouth of the river Hijuelos, by the twenty-sixth degree of latitude, and along the left bank of said river up to its source, drawing thence a line to the lake Macaco, and descending thence by way of the river St. John to lake Valdez, and drawing another line from the northermost part of this latter lake to the source of the river Amarrima, thence pursuing the left bank of said river to its mouth by the twenty-eighth or twenty-fifth [degree] of latitude, and going along the sea coast and all the adjacent islands to the mouth of the river Hijuelos; and directly after said Don Nicolas Garrido shall himself assume the management and administration of said lands, taking proper measures for the most prompt opening and clearing of such part and places as he may deem most necessary and fit for settlement; he is likewise to adopt the most energetic and suitable measures to make in the shortest time possible a beginning to the settlement, endeavoring to promote progressively its increase, and also the building of houses and introduction of mechanics' trades, in which his excellency will receive the most complete satisfaction, as he will see thereby the just and wise views of the King our lord accomplished. Likewise, his excellency grants and confers full power and authority [to] the said Don Nicolas Garrido to introduce, in the name and behalf of his lordship, the negroes necessary and indispensible for the cultivation of said lands, free of duty, agreeable to what his Majesty has been pleased to provide in his said royal order of the sixth instant; as also for the sale and alienation

of the portion of the lands already referred to as he may think proper, conveying the same to any persons, companies, or bodies corporate, that he may think *of it* [fit,] for such sum, stipulating such manner of payment and instalment as he may deem most useful and advantageous to his excellency's rights; said Garrido being authorized to grant upon this, as upon any other matter touching the premises, such bills of sale and instruments of conveyance as may be required, introducing in them such clauses, agreements, conditions, terms, and circumstances as, in his judgment, will be most consonant to the intentions of his excellency; which instruments of conveyance, with all the terms and conditions therein contained, his excellency, the grantor, from this time approves of, sanctions, and ratifies, in the same manner as if they were granted and executed by himself, were he present, in consequence of the great confidence and full trust which he reposes in said Don Nicolas Garrido, who is to act according to the usage, customs, and practice of those countries, and in conformity to the laws which may prevail in them, as also with the royal order, dated the sixth inst., which has been herein inserted, and agreeably to the orders and instructions which his excellency will in consequence of its tenor furnish him with his mission letters, which shall have the same validity and force as if they were expressly and verbatim inserted in this special and general power of attorney; and his excellency also authorizes him to substitute this power at his excellency's own risk, in one or more persons, for the particular and only purpose of managing and making settlement upon the said lands; and to revoke said substitutes and name new ones; he also confers power upon him to demand and examine all accounts from any person or persons, companies, bodies corporate or corporations, or from any other from whom such accounts may be rightfully demanded, charging whatever in his opinion he may have a right to charge, simply approving such account whenever he may find them just, and not being so, making the proper objection to them which he will support until the cause be removed, appointing one or more accomptants and an umpire in case of dissention, or acting judicially in case of contumacy, giving receipt for any sum paid to him, or signing any other document that may be required of him for the security of those making such payment for themselves, or in behalf of others, in full proof of the same so paid, which by the present clause shall stand good; for which purpose the laws touching the matter, if opposed to this intenion, are hereby renounced. He is further authorized, in all matters and cases where he will not be able to come to an amicable compromise, requiring of the other party to do the same, and binding himself to be and abide by, and submit to the award, judgment, penalties and decisions of such arbitrators; and finally he is hereby empowered and authorized, in case he should find it necessary in the transaction of this business thus committed to him or any part of it, to appear in the name of his excellency, to do so before any superior or inferior courts or tribunals, having ecclesiastic, military, or civil jurisdiction as the case may require, writing and

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presenting such petitions, memorials, remonstrances, requisitions, citations, oppositions, witnesses, instruments of writing, objections, contradictions, demands and their replies, protests, affidavits and recusations, when upon the proofs, or otherwise to bring forward whatever he may think useful and favorable to the rights of his excellency, to demand executions, arrests, enlargements, seizures, and releases of property, sales, transfers, auctions, with the right of possession, to attend to decrees and sentences, whether interlocutory or definitive, and to assent to such as are favorable, and appeal when they are adverse, whenever such an appeal will be under the law, and following up such appeals through the different formalities and tribunals; to apply for and try to obtain royal provisions, orders, and all kinds of resolutions which he will endeavor to carry into full execution; and in conclusion he is authorized to do and perform all other acts in the name of his excellency, and to adopt whatever measures and steps are necessary, judicially, or extra judicially, and all such as the lord duke, granting this power, would himself adopt were he personally present, for his excellency grants and confers on Don Nicolas Garrido the special and general power which he may require for all these acts without any limitation, with all incidents, dependencies, things annexed and connected, giving him in all cases the full force and general administration, with an exoneration on his part, and an obligation on the part of his excellency to confirm all his acts, his excellency submitting to the justices and competent authorities having jurisdiction over such cases as may occur, and he subjects himself to the jurisdiction and authority of all and each of them, renouncing at the same time his privileges, his own jurisdiction, domicil laws, immunities, and rights making in his favor, including the general law upon this matter. His excellency also gives him power to name substitute or substitutes in suits and legal proceedings, and to revoke at pleasure such substitutes and appoint others. It was thus executed, granted, and signed by his excellency, whom I attest to know personally, being a witness to the same Don Vicente Murillo y Montes, Don Lorenzo Linarez, and Don Hilarion de Baraza, inhabitants and residents of this court.

P. EL DUQUE DE ALAGON,
Baron de Spes.

Before me.

RAMON LORENZO CALVO.

I, Don Ramon Lorenzo Calvo, notary of the supreme council of war of the King our lord, and of the corps and troops of the royal palace and its jurisdiction, notary of the kingdoms and fellow of the illustrious college of this court, do attest to have been present at the granting of these presents, and in testimony of which I affix my signet, and sign the same, on the said day, on a sheet of paper of the stamp No. 2, and the inside sheets of the stamp No. 4, of forty maravedies,

of the portion of the lands already referred to as he may think proper, conveying the same to any persons, companies, or bodies corporate, that he may think *of it* [fit,] for such sum, stipulating such manner of payment and instalment as he may deem most useful and advantageous to his excellency's rights; said Garrido being authorized to grant upon this, as upon any other matter touching the premises, such bills of sale and instruments of conveyance as may be required, introducing in them such clauses, agreements, conditions, terms, and circumstances as, in his judgment, will be most consonant to the intentions of his excellency; which instruments of conveyance, with all the terms and conditions therein contained, his excellency, the grantor, from this time approves of, sanctions, and ratifies, in the same manner as if they were granted and executed by himself, were he present, in consequence of the great confidence and full trust which he reposes in said Don Nicolas Garrido, who is to act according to the usage, customs, and practice of those countries, and in conformity to the laws which may prevail in them, as also with the royal order, dated the sixth inst., which has been herein inserted, and agreeably to the orders and instructions which his excellency will in consequence of its tenor furnish him with his mission letters, which shall have the same validity and force as if they were expressly and verbatim inserted in this special and general power of attorney; and his excellency also authorizes him to substitute this power at his excellency's own risk, in one or more persons, for the particular and only purpose of managing and making settlement upon the said lands; and to revoke said substitutes and name new ones; he also confers power upon him to demand and examine all accounts from any person or persons, companies, bodies corporate or corporations, or from any other from whom such accounts may be rightfully demanded, charging whatever in his opinion he may have a right to charge, simply approving such account whenever he may find them just, and not being so, making the proper objection to them which he will support until the cause be removed, appointing one or more accomptants and an umpire in case of dissention, or acting judicially in case of contumacy, giving receipt for any sum paid to him, or signing any other document that may be required of him for the security of those making such payment for themselves, or in behalf of others, in full proof of the same so paid, which by the present clause shall stand good; for which purpose the laws touching the matter, if opposed to this intenion, are hereby renounced. He is further authorized, in all matters and cases where he will not be able to come to an amicable compromise, requiring of the other party to do the same, and binding himself to be and abide by, and submit to the award, judgment, penalties and decisions of such arbitrators; and finally he is hereby empowered and authorized, in case he should find it necessary in the transaction of this business thus committed to him or any part of it, to appear in the name of his excellency, to do so before any superior or inferior courts or tribunals, having ecclesiastic, military, or civil jurisdiction as the case may require, writing and

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presenting such petitions, memorials, remonstrances, requisitions, citations, oppositions, witnesses, instruments of writing, objections, contradictions, demands and their replies, protests, affidavits and recusations, when upon the proofs, or otherwise to bring forward whatever he may think useful and favorable to the rights of his excellency, to demand executions, arrests, enlargements, seizures, and releases of property, sales, transfers, auctions, with the right of possession, to attend to decrees and sentences, whether interlocutory or definitive, and to assent to such as are favorable, and appeal when they are adverse, whenever such an appeal will be under the law, and following up such appeals through the different formalities and tribunals; to apply for and try to obtain royal provisions, orders, and all kinds of resolutions which he will endeavor to carry into full execution; and in conclusion he is authorized to do and perform all other acts in the name of his excellency, and to adopt whatever measures and steps are necessary, judicially, or extra judicially, and all such as the lord duke, granting this power, would himself adopt were he personally present, for his excellency grants and confers on Don Nicolas Garrido the special and general power which he may require for all these acts without any limitation, with all incidents, dependencies, things annexed and connected, giving him in all cases the full force and general administration, with an exoneration on his part, and an obligation on the part of his excellency to confirm all his acts, his excellency submitting to the justices and competent authorities having jurisdiction over such cases as may occur, and he subjects himself to the jurisdiction and authority of all and each of them, renouncing at the same time his privileges, his own jurisdiction, domicil laws, immunities, and rights making in his favor, including the general law upon this matter. His excellency also gives him power to name substitute or substitutes in suits and legal proceedings, and to revoke at pleasure such substitutes and appoint others. It was thus executed, granted, and signed by his excellency, whom I attest to know personally, being a witness to the same Don Vicente Murillo y Montes, Don Lorenzo Linarez, and Don Hilarion de Baraza, inhabitants and residents of this court.

P. EL DUQUE DE ALAGON,
Baron de Spes.

Before me.

RAMON LORENZO CALVO.

I, Don Ramon Lorenzo Calvo, notary of the supreme council of war of the King our lord, and of the corps and troops of the royal palace and its jurisdiction, notary of the kingdoms and fellow of the illustrious college of this court, do attest to have been present at the granting of these presents, and in testimony of which I affix my signet, and sign the same, on the said day, on a sheet of paper of the stamp No. 2, and the inside sheets of the stamp No. 4, of forty maravedies,

on which it remains in the registry of archives with a note of the issues thereof.

Flourish.

RAMON LORENZO CALVO.

The forgoing agrees with its original, which, for this purpose, was exhibited to me by the most excellent Duke de Alagon, to whom I returned it, and signed a receipt for its delivery, which I attest, and refer to.

In testimony thereof, where it may avail, I, the undersigned secretary of the K[illegible]g, escribano of the chambers, notary of the kingdoms, fellow of the illustrious college of this court, grant these presents, which I sign and affix my signet thereto, at Madrid, on the tenth of February, one thousand eight hundred and twenty-four.

Flourish.

RAMON LORENZO CALVO.

I received the original.

THE DUKE DE ALAGON, BARON DE SPES.

Legalization.

We, the notaries of the King our lord, and of the illustrious college of this court, who hath affix[ed] our signet and hands to these presents, certify and attest that Don Ramon Lorenzo Calvo, by whom the forgoing is authenticated, is such secretary of the King, his escribano of chambers of the supreme council of war, notary of the kingdom, and fellow of the illustrious college of this court, and is what he styles and calls himself; that he is faithful, legal, and entitled to full confidence; thereby full faith and credit has always been given to all instruments done and authorized by him in judicature and thereout.

In testimony whereof, that it may so appear wherever it may avail, at his instance we grant these present, sealed with the seal of the said college at Madrid, dated as above.

Three flourishes.

MANUEL JOSE OLMEDA,
VALENTINE SANTOS DE DIAZ,
VICENTE GOMEZ.

[Seal of the college.]

Don Miguel Garcia Comejo, honorary minister of the royal audiencia, deputy magistrate of this most heroic villa of Madrid, certifies that Don Manuel Jose Olmeda, Don Valentine Santos Diaz, and Don Vicente Gomez, by whom the foregoing is certified, are royal notaries escribanos of the illustrious college of this court, who are now acting in the conformance of the duties of their offices.

In testimony whereof I sign the same, at the said villa and court of Madrid, on the twelfth day of August, 1835.

MIGUEL GARCIA COMEJO.

Don Manuel Garcia Herreros, high dignitary, principal notary, secretary of state, and minister of God and justice of Spain and the Indies, &c., &c., do certify, that Don Miguel Garcia Comejo, by whom the foregoing document is authenticated under his hand, is, as he styles himself, deputy magistrate (correjidor) of the villa and court of Madrid.

In testimony whereof I grant these presents, at Madrid, on the thirteenth of August, one thousand eight hundred and thirty-five.

M. GARCIA HERREROS.

Don Jose Maria Guirpo de Llano, president of the council of ministers, principal secretary of state and of despaich (foreign affairs,) do certify, that the foregoing signature is that of Señor Don Manuel Garcia Herreros, of grace and justice of Spain and the Indies, as he styles himself.

In testimony whereof I grant these presents, at St. Ildefonso, this eighteenth of August, one thousand eight hundred and thirty-five.

[SEAL.] EL CONDE DE TORENO.

(Here follow the certificates and seal of C. P. Van Ness, minister plenipotentiary of the U. S., dated at Madrid.)

I do certify that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE, *Translator.*

Document offered in evidence on behalf of plaintiff, on the 11th day of May, 1832, and marked E, being a certified copy from the office of the keeper of public archives of East Florida, of a paper called the Act of Possession, dated 27th June, 1818.

E.

SENOR GOVERNADOR: Por el adjunto poder dado en la villa de Madrid, á 27 de Febrero de 1818, se enterara V. S. de que el ex'mo Señor Duque de Alagon, grande de España de primera clase, y capitan de reales guardias de la real persona, se he servido nombrame por su apoderado general de los terrenos incultos que S. M. se ha dignado cederle en la Florida Oriental; y la real cedula de 6 del referido m.es comunicada al supremo consejo de las Indias que tambien acompano á V. S. prescrive los limites de su demarcacion territorial.

Para el cumplimiento de esta importante comision he venido desde Madrid á esta ciudad y deseando dar en la primera occasion noticias á S. E. del principo de ella; lo hago presente á V. S. para que se sirva determinar el dia en que se hade verificar el acto de posecion de los terrenos cedidos conforme á la real cedula, y teniendo á la vista el plano geografico que incluyo á V. S., para que en consequencia del testimonio de este acto en devida forma pueda yo proceder á las questiones con-

tenicentes al existo del encargo que se me ha confiado segun las intenciones de S. M., y deseos de S. E.

Dios guarde á V. S. ms. as. St. Augustin de la Florida, 25 de Junio de 1818.

NICOLAS GARRIDO.

Señor Don JOSE COPPINGER,
Governador de la Florida Oriental.

St. Augustin de la Florida, 25 de Junio de 1818. Pase á la consuelta del señor auditor de guerra.

COPPINGER.

SENOR GOVERNADOR POLITICO Y MILITAR: A mi consulta ha pasado V. S. la real cedula por la qual se patentiza la cesion que ha hecho S. M., al ex'mo Señor Duque de Alagon de todos los terrenos incultos de esta provincia que no esten cedidos; he examinado samb'le el testimonio del poder que dho. señor ha conferido á Don Nicolas Garrido, actualm'te residente en este plaza, y hallandolo todo en mi concepto arreglad. soy de opinion que acatando V. S. con las ceremonias politicas de esteto aquella soberana dispocision se le de su entero y debido cumplim'to salvo, &c. San Augustin de la Florida y Junio 27 de 1818.

RUPERTO SAAVEDRA.

San Augustin, 27 de Junio de 1818. Vistos en conformidad del dictamen que antecede, dixo su ex'ia. Que acatando y obedeciendo con las ceremonias de estilo la real cedula de 6 Feberoso ultimo, que ha exhibido Don Nicolas Garrido, como carta y rescripto de nuestro R. E. Y., y señor natural (Q. D. G.) devra de mandar y mandara se guarde cumpla'e y execute en todas sus partes; y que en su consequencia y á reserva de verificar á la mayor brevedad posible el anto posesorio con las formalidades devidas, al que desde ahora le ampara, sin perjuicio de tercero de mejor derecho se compulse testimonio de este expediente para dar cuenta al ex'mo señor capitan general de la Isla de Cuba y dos Floridas, y elevado á su superior conocimiento en el berganten de guerra de S. M. San Fernando que acaba de fondear en la rada de este puerto, y deve hacerse á la vela el dia de mancura.

COPPINGER.

Ante mi.

JUAN DE ENTRALGO,
Ex'mo de gobierno y real hacienda.

En San Augustin en el mismo dia, mes y año, notifique el auto que antecede á Don Nicolas Garrido doy fe.

ENTRALGO.

NOTA. Que en el propio dia hice saccar testimonio integro de este expediente y signado en doce foxas lo entregue en la secretaria de gobierno para los fines que se previenen en dicho auto doy fe.

ENTRALGO.

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En la ciudad de San Augustin de la Florida, á venite y siete de Junio, de mil ochocientos diez y ocho. El Señor Don José Coppinger, coronal de los reales ex'tos gobernador publico y militar, y subdelegado de real hacienda de esta plaza y su provincia, en vistud de lo dispucito en el auto que antecede y por autem el escribano de gobierno y real hacienda dio á Don Nicolas Garrido, residente en esta dicha plaza apoderado del ex'mo Señor Duque de Alagon, Baron de Espes, grande de España de primera clase, y capitan de guardias de la real persona de S. M., sin perjuicio de tercero de mejor derecho la posecion real, actual, corporal, vel quasi, en forma, de todo el terreno inculto que no se halle cedido en toda esta Florida Oriental, situado entre los margenes de los rios Santa Lucia y San Juan, hasta sus embocaduras en el mar y la costa del golfo de la Floridas é islas adjacentes, con la embocadura en el rio Hijuelos por el grado veinte y seis de latitud, siguiendo su orilla izquierda hasta su nacimiento, tirando una linea á la laguna de Macaco baxando luego por el camino del rio de San Juan hasta la laguna Valdez, costando por otra linea desde el extremo norte de esta laguna hasta el nacimiento del rio Amarrima, siguiendo la orilla derecha hasta su embocadura por los veinte y ocho á veinte y cinco de latitud, y continuando por las costas del mar, con todas sus islas adjacentes, hasta la embocadura del rio Hijuelos, cuya posecion se verifico pasando al efecto á la isla de San Mateo, y en sus terrenos immediatos a la playa y costa del manen voz y nombre de todos los demas que van referidos, y se comprehenden baxo de los limites explicados; y en señal de verdadera posecion llevo su s'ria por la mano del expresado Don Nicolas Garrido á nombre del ex'mo Señor Duque de Alagon, Baron de Spes, quien se paseo por la citada isla, arranco yervas, esparcio puñados de tierra, é hizo otros actos posesorios, de sin contradiccion de persona alguna, y en ella le emparo y defendio sa senoria é imparo la pena de cinquenta mil maravedis para la real causara, á quien se la perturbe sin vencerle primero en ficio, y de haver somado quieta y pacificamente lo pidio por testimonio pora su resguardo el qual mando sa senoria se le proveyese con todos los demas que necesite y firmo con el antedicho Don Nicholas Garrido; siendo testigos, Don Manuel Fuertes, Dn. Luis Fleming, y Don Juan Mestre, vecinos de esta ciudad, de que doy fe.

JOSE COPPINGER,
NICOLAS GARRIDO.

Ante mi,

JUAN DE ENTRALGO,
Ex'mo de gob'no y rl. hac'da.

Office of the surveyor general of Florida, St. Augustine, 14th of May, 1852. I certify the foregoing to be a true copy of the original in my charge, on file in this office.

Signed,

B. A. PUTNAM,
Surveyor general.

Translation of document marked E.

SENOR GOVERNADOR: By the power annexed, executed in the city of Madrid on the 27th of February, 1818, your lordship will be informed, that his excellency the Duke of Alagon, grandee of Spain of the first class, and captain of his Majesty's royal body guards, has been pleased to appoint me his general attorney in reference to the uncultivated lands which his Majesty was pleased to grant him in East Florida, according to the royal patent of the 6th of said month, communicated to the supreme council of the Indies, which also accompanies this, prescribes the limits of its territorial demarcations.

For the execution of this important commission I have come from Madrid to this city, and desiring to give notice to his excellency, by the first opportunity, of having commenced to act in the premises, I inform your lordship of it that you may be pleased to designate the day on which the act of taking possession of the lands granted, agreeably to the royal patent, shall take place; and having before me the geographical plan, which I enclose to your lordship, so that upon proof of the proceeding of the act duly certified, I may proceed to take the necessary steps to discharge the trust which has been confided to me according to the intentions of his Majesty and the desires of his excellency. God preserve your lordship many years. Saint Augustine, Florida, 25th June, 1818.

NICHOLAS GARRIDO.

Don José Coppinger, governor of East Florida.
25th of June, 1819.

To the auditor of war: Let this be referred for his report thereon.

COPPINGER.

To his lordship the Governor:

The royal patent, in which is founded the concession his Majesty has made to the most excellent Duke of Alagon, of all uncultivated land in this province which are not already granted, has been referred to me by your lordship for my report.

I have examined also the certified copy of the power which the said Duke has conferred upon Don Nicolas Garrido, at present a resident of this place, and finding every thing correct, I am of opinion, that if your lordship will adhere to the usual ceremonies in such cases, will order a due and full compliance of that sovereign command, &c.

St. Augustine, 27th June, 1818.

Decree.

In conformity with the *foreign* opinion his excellency said: That in obedience to, and adhering to the usual ceremonies to the royal patent of the 6th of February last, which has been exhibited by Don Nicolas Garrido, as the letter and mandate of our King and natural lord (whom God preserve,) it was his duty to command, and did command, that the same be respected, fulfilled, and executed in all its parts; and that

in consequence thereof, and with the view of carrying into effect with the greatest possible promptness the act of taking possession with the required formalities, (in which possession he is henceforth guaranteed, without injury to a third party holding a better right,) let a certified copy of these proceedings be issued, for the purpose of making a report and transmitting the same to his excellency the captain general of the Island of Cuba and the two Floridas, by his Majesty's brig of war which has just anchored off this port, and will set sail again to-morrow.

COPPINGER.

Before me, JUAN DE ENTRALGO,
Escribano of gov't of the royal exchequer.

In St. Augustine, on the same day, month, and year, I notified Don Nicholas Garrido of the foregoing decree.

Attest: ENTRALGO.

NOTE. That on the same day I made a full certified copy of these proceedings upon twelve folios, and declared the same at the government secretary's office for the purpose referred to in said decree.

Attest: ENTRALGO.

In the city of St. Augustine, Florida, 27 June, 1818, Senor Don José Coppinger, colonel of the royal armies, civil and military governor, and sub-delegate of the royal exchequer of this place and its province, by virtue of what is ordered in the foregoing decree, and before me, the escribano of government and of the royal exchequer, gave to Don Nicolas Garrido, a resident of this place, attorney of the most excellent Duke of Alagon, Baron de Espes, grandee of Spain of the first class, and captain of his Majesty's royal body guards, without prejudice to a third part having a better right, the possession, real, actual, corporeal, or quasi, in due form, of all the uncultivated land not already granted in all East Florida, situated between the borders of the river Santa Lucia and St. John's, as far as the entrance in the sea, and the coast of the gulf of Florida and adjacent islands, with the mouth of the river Hijuelos, by the twenty-sixth degree of latitude, following its left bank to its source; thence striking a line to lake Macaco, descending thence by the course of the river St. John's to lake Valdez; thence drawing another line from the extreme north of this lake to the source of the river Amarrima; thence following the right bank to its mouth by the twenty-eighth or twenty-fifth degree of latitude, and continuing along the sea-coast embracing all the adjacent islands up to the mouth of the river Hijuelos, the possession of which was carried into effect by going for that purpose upon the island of St. Martin, and in its land contiguous to the shore and coast of the sea, and naming at the same time all the others which have been referred to, and are embraced within the limits aforesaid; and in token of true possession, his lordship took the said Don Nicolas Garrido by the hand, in the name of the most excellent Duke of Alagon, Baron of Spes, who walked about the

said island, pulled up grass, scattered handfuls of earth, and performed other acts of possession without opposition from any person whatever; and in thus giving possession his lordship protected and defended him, and imposing a penalty of fifty thousand maravedias for the royal chamber, against any one who may disturb him in it without first obtaining judgment against him. And as evidence of his having obtained peaceable and quiet possession, he asked for a duly certified copy thereof for his security, the which his lordship ordered to be given him, as well as of all others he may require; and he subscribed the same *with the same* with the said Don Nicolas Garrida.

Don Manuel Huertas, Don Louis Fleming, and Don Juan Maestro, residents of this city being witnesses; which I attest.

JOSE COPPINGER,
NICOLAS GARRIDO.

Before me, JUAN DE ENTRALGO,
Escribano of the gov't and of the royal exchequer.

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

Signed, JOHN M. FONTANE,
Translator.

Document offered in evidence on behalf of plaintiff, on the 11th day of May, 1852, and marked F, being a notarial copy of a paper dated May 27, 1819, purporting to be a second power of attorney from the Duke of Alagon to Don Nicolas Garrido.

[SEAL.] *Document F.* [SELLO.]

Da. Georgiana Stuart de Chacon, de estada unida, domiciliada en Nueva York, en los Estados Unidos de America, y residente actualmente en esta corte, en nombre y con faculdad de Da. Harriet Hackley, viuda de Don Ricardo S. Hackley, ya defunto, domiciliado que fue en Richmond, en Virginia, en los mismos Estados Unidos, ante de V. S., digo, que por real orden su fha. 17 de Diciembre del año pasado de 1817, condescendiendo S. M. el Rey, Dn. Fernando 7°. (que este en gloria) con la solicitud que con fha. 12 de Julio del propio año, elevo á sus reales pies el ex'mo Sñ. Don Francisco Roman de Espes, Fernandez de Cordova y Alagon, Duque de Alagon, y otras titulas, ya defunto, se digne donar y cedar en todo dominio y propriedad á favor de dicho Duque, y á sus hijos, herederos, y sucesores, usando de la prerogativa que como Rey absoluto que era en aquella epoca le correspondia todo el terreno inculto que no se hallara, ya cedido en la Florida Oriental, situado entre las margenes de los rios Sta. Lucia y San Juan, hasta sus embocaduras en el mar, y la costa del golfo de la Florida, é islas adjacentes, con la embocadura del rio Hijuelos, por el grado 26 de latitud, siguiendo su orilla isquierda hasta su nacimiento, tirando una linea á la laguna Macaco, bagando luego por el camino del rio

del San Juan hasta la laguna Valdes, costando por otra linea desde el extremo norte de esta laguna hasta el nacimiento del rio Amarrima, siguiendo la orilla derecho hasta su embocadura por la linea 28 á 25 de latitud, y continuando por la costa del mar, con todas sus islas adjacentes, hasta la embocadura del rio Hijuelos. Que aceptata que fue dicha donacion por dicho Sr. Duque de Alagon prevenas las correspondientes communicaciones de dicha real gracia asi al supremo consejo de las Indias, como al capitan general de la Isla de Cuba, governador de la Habana, conferio sus amplios poderes con las facultades necesaria, á favor de Don Nicolas Garrido para que pasando á aquellos dominios tomase y apprehendiese, en nombre de S. E., la posecion real y corporal de los expresados terrenos que le habian sido cedidos por S. M., como asi se verifico quieta y pacificamente, y sin la menor contradiccion, en la ciudad de St. Augustin de la Florida, en 27 de Junio del siguiente año de 1818, por ante el Señor governador politico y militar, subdelegado de real hacienda de la misma de lo que se estendien la correspondiente acta. Que deceno el Señor Duque de los expresados terrenos por las causas y rasones que van relacionadas otorgo S. E. la correspondiente escritura publica con fha. en esta corte á 29 de Mayo de 1819, por ante el escribano de camara, notario de los reynos, Don Roman Lorenzo Calvos, por lo cual con arreglo á cierto convenio precio, cedio y dono parte de dichos terrenos, en favor del Don Ricardo S. Hackley, quien estando los poseyendo ha fallecido, y por esta razon ha recevido sus derechos y acciones en su unida y herederos, y necesitando estas para uso y resguardo de su derecho tener en su poder un titulo ó documento fee hacienta de la real gracia, toma de posesion y escritura de donacion que quedan relacionadas, y se hallan en los registros protocolos del mencionado escribano de camera, notario de los reynos, Don Roman Lorenzo Calvo.

A. V. S. suplica se sirva expedir el competente mandamiento compulsario para que siendo cierto, existivo en los registros protocolos, los citados documentos ponga á continuacion testimonio literal de ellos, el nominado notario de los reynos, Don Roman Lorenzo Calvo, y hecho que se me entregue original á los usos convenientes en justicia que pido, juro, etc.

Madrid, 16 de Noviembre, 1847. En virtud de encerigo.

GEORGIANA STUART DE CHACON.

Yo, el inf'to ex'mo S. M. Doy fee que conosco la interesada que subscrivre el ante escrito, y que lo firmo en *tampiados* en el és de su sumo y titre, á Madrid, 16 de Noviembre de 1847.

ROMAN LORENZO CALVO.

NOTA. Pres estado en diez y nueve de Noviembre de mil ochocientos cuarenta y siete.

GRANJA.

Auto. A los efectos que halla luque en derecho y se existuven en

los registros de escrituras publicos que han pasado ante el escribano de S. M., Sn. D. Roman Lorenzo Calvo, los documentos que és expresan de los testimonios que se solutan á virtud y continuacion de esta auto que serve de *naru* documento en forma. El Sr. D. Miguel Maria Duran, juez de primera instancia, en Madrid, tomando á diez y nueve de Noviembre de mil ochientos cuarenta y siete.

(Signed) SANTIAGO DE LA GRANJA.

DURAN.

En complimiento de lo mandado en el precedente auto, mandamiento compulsorio del Sr. Don Miguel María Duran, juez de primera instancia de esta m. h. villa, su fecha diez y nueve del corriente, refrendado del escribano del numero Don Santiago de la Granja, yo, Don Roman Lorenzo Calvo, del consejo de S. M., su secretario, escribano de camara, en el tribunal supremo de guerra y marina, notario de los reinos é yndividuo del illustre colegio de esta corte, etc.; certifico, doy fee, que con fecha veinte-siete de Febrero del año pasado, de mil ochocientos diez y ocho, por el ex'mo Señor Don Francisco Roman de Espes, Fernandez de Cordova y Alagon, Duque de Alagon, Baron de Espes, y otros titulos, por ante mi, el infrascrito secretario, escribano de camara, notario de los reynos, y competente numero de testigos, se otorgo el poder general que aqui se inserta, y en tenor con el del testimonio de la real zeduta que en el se inserta y nota marginales és como sigue: En la villa de Madrid, á veinte y siete de Febrero de mil ochocientos diez y ocho, ante mi, el escribano de camara, notario de los reynos y testigos que se diran, el ex'mo Señor Don Francisco Roman de Spes, Fernandez de Canova y Alagon, Glemies de Brabante, Aragon, Baron Martinez de Lunas, Mancayo, Palafox, Herrera, Roxas y Guzman, etc.; Duque de Alagon, Baron de Spes y Alfajami, Conde de Castleflorido, dueño y señor temporal de la expresadas baronia de Spes y lugares de Spes, Chiriveta y Mangai, y de la de Alfagarai y villa del mismo nombre, y de lo lugares de Nuce y Tarlete del castillo de Aurano y Pardina de cuesos, etc.; grande de España de primera clase, gran cruz de la real y distinguida orden Española de cartas tercero, y de real y militar de San Hermenejeldo, la vallero de la esclavecida orden de San Juan de Jerusalem, comendador de Ademan y Castelfair en el militar de nuestra Señora de Mantesan, Conde carado con la flor de los de Francia, academico de honor de las reales de Madrid, Triagana y Valencia, protector del real canal de Mansanares, consejero nato en el supremo de la guerra, gentil-hombre de camara de S. M. con ejercicios, teniente general de los reales ejercitos, y capitan comandante inspector y gefe superior del real cuerpo de guardias de la persona del rey, dijo, que el rey, nuestro señor, (que Dios guarde,) por su real orden de diez y siete de Diciembre del año proxmo pasado de mil ochocientos diez y siete, tuvo á bien condescendiendo con la suplica que se le dirigio con fecha doce de Julio del mismo, y en consideracion á su distinguido merito y acreditado zelo hacia el real servicio de S. M., y

su soberana persona, concederle en plena propiedad, para si y sus herederos, el terreno inculto que no se hallaba, situado entre las margenes de los rios Santa Lucia y San Juan, hasta su embocaduras en el mar, y la costa del golfo de la Florida é islas adjacentes, con la embocadura en el rio Higuelos, por el grado veinte y seis de latitud, siguiendo su orilla isquierda hasta su nacimiento, tirando una linea á la laguna Macaco, bajando luego por el camino del rio de San Juan, hasta la lagunas Valdes, costando por otra linea desde el extremo norte de esta laguna hasta el nacimiento del rio Amarrima, siguiente las orilla isquierda hasta su embocadura por los veinte y ocho (28) á veinte y cinco de latitud, y continuando por la costa del mar con todas sus yslas adjacentes hasta la embocadura del rio Higuelos, espediendo de ello á su favor la correspondiente real zedula, con fecha en el real palacio de esta corte á seis del corriente, firmada de su real mano, y refrendida por el Señor Don Estevan Varca, su secretario, y del supremo consejo de las Indias, concediendole por ella facultad á S. E., para que verifique la introduccion de negros por le travajo y cultivo de las tierras libre de derechos, segun que todo mas extensamente consta y aparece de la mencionada real zedula que testimoniada, y para la mayor validacion de lo que se referiva aqui se inserta y su tenor en el siguiente:

El Rey: Mi gobernador y capitan general de la Isla de Cuba y su distrito, el Duque de Alagon, Baron de Spes, me hizo presente en exposicion de doce de Julio del año ultimo, lo que sigue: Señor: El Duque de Alagon, Baron de Espes, capitan de guardias de la real persona de V. A. V., con el mayor respeto, expone, que siendo un interes de la corona que se den á grandes capitalistas los terrenos incultos para que se puebler y cultiver en lo que resultan sivas vantajas demostrados y aconsejados por todos los politicos, en cujo caso se hallan muchos ó casi las mas del fertil suelo de las Floridas, y siendo tambien un derecho de V. H. como dueño absoluto el distribuir los en obsequio de la agricultura, y en premio y recompensa de los servicios interesantes que se le hacen con utilidad de V. A., y de su reino todo; deseoso de merced estas senales de aprecio de su magnanimo corazon, y de contribuir por mi parte á llenar las miras de poblacion tan interesantes al bien comun á V. M., suplica se digne concederle el terreno inculto que no se halla cedido en la Florida Oriental, situado entre las margenes de los rios Santa Lucia y San Juan, hasta sus embocaduras en el mar y la costa del golfo de la Florida é islas adjacentes, con la embocadura en el rio Hijuelos, por el grado veinte y seis de latitud, siguiendo su orilla isquierda hasta su nacimiento, tirando una linea á la laguna Macaco, bajando luego por el camino del rio de San Juan hasta la laguna Valdes, costando por otra linea desde el extremo norte de esta laguna hasta el nacimiento del rio Amarrima, siguiendo la orilla derechos hasta su embocadura por los veinte y ocho si veinte y cinco de latitud, y continuando por la costa del mar, con todas sus islas adjacentes, hasta la embocadura del rio Hijuelos, en pleno propiedad, para si, y sus herederos, y permitiendoselo la introduccion de negros para el travajo y

cultivo de las tierras libre de derechos, gracia que espera merecer de la innata piedad de V. M. Enterado del contenido de esta exposicion, y atendiendo al distinguido merito de esta sujeta, y á su acreditado celo por mi real servicio, como tambien á las ventajas que resultaran al estado del aumento de poblacion de los citados paises que pretende, he tenido á bien acceder á la gracia que solicita su cuanto no se opongo á las leyes de esos mis reinos, y comunicandolo á mi consejo de las Indias para sus ejecucion en real orden, de diez y siete de Diciembre del referido año.

En su consecuencia os mando y encargo por esta mi real cedula que con arreglo á las leyes que siguieron en la materia, *consibeis* eficamente la ejecucion de la expresada gracia, tomando todas las exposiciones que se otengan á su devido efecto sin perjuicio de tercero, y para que el expresado Duque de Alagon pueda desde luego poner en ejecucion su designio, conforme en todo con mis beneficos deseos en obsequio de la agricultura y comercio de dichas posesiones que llamar por una poblacion proporcionada á la ferocidad de su suelo y á la defensa y seguridad de las costas, dando cuenta subcesivamente de su progreso, entendiendoze que la introduccion de negros que comprehende la misma gracia debe sujetarse en cuanto al trafico de ellos á las reglas prescriptas en mi real cedula de diez y nueve de Diciembre ultimo, que asi és mi voluntad. Y que de esta cedula se tome razon en la contaduria general de Yndias. Fecha en palacio á seis de Febrero de mil ochocientos diez y ocho. Yo,

EL REY.

Por mandado del rey, nuestro señor.

ESTEVAN VAREA.

Derechos sesenta reales de plata. Hay aratro rubricas. Duplicado.

Al gobernador y capitan general de la Ysla de Cuba y su distrito, para que disponga lo conveniente á que tenga efecto la gracia concedida al Duque de Alagon de varios terrenos situados en la Florida Oriental con lo demos que expresa.

CORREGIDA.

Hay una rubrica tomaze varan en la contaduria general de la America septentrional. Madrid, diez y seis de Febrero de mil ochocientos diez y ocho.

JOSE DE VIJADA.

Corresponde con su original que á el efecto me prevenido por el ex'mo Sr. Duque de Alagon, á quien lo devolve, de que doy fé, y á que me *verito*. Y para que conste á su instancia, yo, el infrascrito escribano de camara del rey, n. s., notario del reynos y del ilustro colejio de esta corte, doy y firmo el presente en Madrid, á veinte y siete de Febrero de mil ochocientos diez y ocho.

DON ROMAN LORENZO CALVO.

Concuerda con su original que queda unido é incorporado el registro protocolo de este instrumento, de que doy fé; y á que este veineto, y en su consecuencia no permitiendo á S. E. asi las graves ocupaciones y atenciones que tuvia á su cargo, como el continuo real servicio imediato á la real persona de S. M. el pasar personalmente á tomar posesion hacerse cargo administrad vejer y acordar por se las disposiciones combenientes, á fin de que tenga efecto en todas sus partes la mente de S. M. manifestada bien terminantemente en la expresada real zedula de seis del corriente, ha deliberado despues de un maduro ecsamen confiere este importante encargo á una persona de su entera satisfaccion y confianza, y teniendo la que puede apetecer al efecto en Don Nicolas Garrido, residente actualmente en esta corte, asi por su providad, como por sus grandes conocimientos, en su consecuencia poniendolo en ejecucion por el presente en la via y forma que mas hayar lugar en derecho cierto y salvedar S. E. del que en este caso le compete. Otorgo que da y concede el mas amplio y general poder cual por derecho se requiera para el caso y cosas que se referiran al nominado Don Nicolas Garrido, á fin de que en nombre del ex'mo Señor Duque de Alagon, otorgante y representando en proprio persona derechos y acciones, si constituya y presente ante el ex'mo señor capitan general de la Isla de Cuba, gobernador de la Florida y demas autoridades, ministros, y justicios de aquellos dominios, que correspondo y precedido la correspondiente varia y licencia tome y aprenda con arreglo á las leyes que rigen y goviernan en ellos, la posesion real, corporal, vel cuasi, y en forma, del terreno inculto que S. M. se ha servido ceder en toda propiedad á S. E., para si y sus herederos, en la Florida Oriental, por la mencionada real cedula, y esta situado entre las margenes de los rios Santa Lucia y San Juan hasta sus embocaduras en el mar y la costa del golfo de la Florida é islas adjacentes, con la embocadura en el rio Hijuelos, por el grado veinte y seis de latitud, siguiendo su orilla isquierda hasta su nacimiento, tirando una linea á la laguna Macaco, bajando luego por el camino del rio de San Juan hasta la laguna Valdes, costando por otra linea desde el extremo norte de esta laguna hasta el nacimiento del rio Amarrima, siguiendo la orilla derecha hasta su embocadura, por los veinte y ocho si veinte y cinco de latitud, y continuando por la costa del mar con todas sus islas adjacentes, hasta la embocadura del rio Hijuelos, y en seguida el citado Don Nicolas Garrido procedera á administrarlo, governarlo, y desijirlo por si, tomando las disposiciones combenientes á que se verifique cuantos antesea posible el desmante y limpia de toda matera de los sitios y parages que contemple mas precisos, y á proposito para la poblacion; asi mismo tomara las medidos mas energicos y oportunas á que á la mayor posible brevidad, tenga efecto el dar principio á la poblacion procurando progresivamente su aumento y modificacion de edificios y artefactos en lo que tendra S. E. la mas entera y completa satisfaccion por universe en con todo á las justas y servios intereciones del rey, nuestro señor. Yguálmente le da y confiere poder y faculdad S. E. paragne en su nombre y representacion pueda proceder y proceda el referido Don Nicolas Gar-

rido, no solo á la introduccion de los negros necessarios, y precisos para elavoracion y cultivo de las mencionadas tierras, libre de derecho conforme á lo determinado por S. M. en la real zedula, citada de seis del corriente, si tambien á la venta y enagenacion de las porciones de terrenos de los que van referido que tengo á bien á la persona ó personas, companias, corporaciones ó communidades, que le pareciere por la cantidad, modo y formo de pazos que estime y contemple mas utiles y ventajosos á los derechos de S. E. Otorgando asi sobre esto como sobre lo demas casos y cosas que occurran en el asunto los escrituros, instrumentos, y documentos combenientes, con las clausulas, pactos, condiciones, requisitas, y circonstancias que le parecieren, y jusque mas á proposito á las intenciones de S. E., las quales desde ahora para entonces ha aprueba y ratifica el ex'mo Sr. Duque, otorgante, tal y como si por si mismo fueren hechas otorgadas, y combenidas si se hallase presente en atencion á la suma, satisfaccion, y confianza que le merece le Don Nicolas Garrido, arreglandose en todo á los usos, costumbres, y practica de aquellas paises á las leyes que rigen y goviernan en ellas, á la real cedula de fecha seis de lo corriente que va inserta, y á los ordenes é instrucciones que arregladas á su tenor, le communique S. E. por sus cartas, misivas, las cualesquiere tengan tanta fuersa y validacion como si estubieran espresa y terminantemente comprendidas en este poder, especial y general, facultandole igualmente S. E. para que de su cuenta y viago pueda substitnir este poder en uno ó mas sujetos para solo el caso ó particular de administrar y poblar los mencionados terrenas, revocando unos substitutos, y nombrando otros de nuevo ; tambien le confiere poder para que pida y tome cuentas á la persona ó personas, compañas, cavildos, concejos, adjuntamientos, y demas que corresponda, haciendoles cargo de todo aquello que conceptue debe hacerselo aprovandolas lisa y llanamente siempre que les encuentra arregladas, y no lo estando las pondra los agrarios que contengan que seguira hasta que queden sin ellos, nombrando en su caso contador ó contadores tercero en discordia ó de oficio en reveldia tando de cuanto percibiere y cobrare los recibos cartas de payo finiquitos lastos y demas reguardas que le fueran pedidos por los sujetos que lo puedan hacer con fee de entrega siendo esta de presente de lo que perciba y cobre ó renunciacion de las leyes que tratan de la materia si no le fuese ; para que las cosas y casos que buenamente no pueda combinar y transijir con cualesquiera personas, corporaciones, ó autoridades las comprometa en su caso enjueces, arbitros, arbitradores, haciendo que las otras partes ejecuten lo mismo obligandose á estar y pasar por sus actos, juicios, penas, y sentencias. Y ultimamente le da y confiere poder y facultad para que si en rason de lo referido, cada cosa ó parte fuere preciso parecer en juicio á nombre de S. E. lo ejecute en los turgados y tribunales superiores é inferiores, ecclesiasticos, militares y civiles, que corresponda haciendo y presentando pedimentos, memoriales, representaciones, requisimientos, citaciones, oposiciones, testigos, instrumentos, tachas, contradiciones, demandas, sus contestaciones, protestas, juramentos, recusaciones, en prueba ó fuera de ella haga y ofresca lo que crea util y combeniente á

los derechos de S. E., pida ejecciones, posesiones, salturas, embargos y desembargos de bienes, su venta trance y vanate con posesion y amparo diga autos y sentencias, interlocutorios y definitivos, consienta las favorables y de las adversas, apele y suplique, para ante quien con derecho corresponda siguiendo las tales apelaciones y suplicas en todas instancias y tribunales *guve* y obtenga reales provisiones, zedulas, y todo genero de despachos que hava llevar ó para y devida ejecucion; y finalmente haga y pratique á nombre de S. E. todos los demas actos, pasos, y diligencias que judicial ó extrajudicialmente se requieran, y el Señor Duque otorgante havia y practicaria por si, hallandose presente pues el poder especial y general que para todo necesite el mencionado Don Nicolas Garrido el mismo le da y confiere S. E., sin ninguna limitacion, con todas sus incidencias, dependencias, anexidades, y conecesidades, libre, franca, y general administracion, relevacion, y obligacion que segun derecha hace de haberlo por firme con poderia y sumision á las justicias y autoridades competentes y quedelas causas y negocios puedan y deban conocer, á cuyo fuero y jurisdiccion, y al de cado una ni solidura se samete renuncia el suyo propio jurisdiccion, domicilio y necesidad, leyes, fueros y derechos de su favor, con la general de ellos en forma, dandole asi mismo faculdad, para que en cuanto á enjuiciar lo pueda substituir y sostituya en quien á quisies le pareciere, revocando en su caso unos y nombrando otros.

Y asi lo dijo otorgo y firmo S. E., á quien doy fé, conosco siendo testigos, Don Vicente Murrillo y Mantes, Don Lorenzo Linares, y Don Hilarian de Baruza, vecinos y residentes en esta carte.

P. EL DUQUE DE ALAGON, BARON DE SPES.

Ante mi.

RAMON LORENZO CALVO.

NOTA. Doi fé que en dicho dia se dieran cuatro copias iguales todas en pliego del sello segundo, á intermedias del cuarto de á cuarenta maravedises los que se entregaron al poder habiente Don Nicolas Garrido.

CALVO.

OTRO. Igualmente doy fé que en esta dia y á instancia del ex'mo Señor Duque de Alagon, otorgante di otras dos copias quintiplicada y sextiplicada en igual papel del sello segundo é intermedio del cuarto del cuarentas maravedies.

CALVO.

Asi mismo yo el infrascripto secretario de S. M., notario de los reynos, certifico y doy fe, que por el citado ex'mo Señor Duque de Alagon, y otros titulos, con fecha diez y siete de Mayo, del siguiente año del mil ochocientos diez y nueve, por ante mi, y competente numero de testigos, se otorgo á favor de Don Nicolas Garrido, el poder para administrar y otras cosas que dice asi.

Poder para administrar.

En la villa de Madrid, á diez y siete de Mayo, de mil ochocientos diez y nueve, ante mi, el escribano de camara, notario de los reynos, y testigos que se diran. El ex'mo Sr. Don Francisco Ramon de Spes, Fernandez de Cordova, y Alagon, Glimes de Brabante, Aragon, Baron Martinez de Luna, Mancago, Palafox, Herera, Rosas y Guzman, etc., Duque de Alagon, Baron de Spes y Alfajami, Conde de Castelflorido, dueno y senor temporal de la espresada Baronia de Spes y lugares de Spes, Chariveta y Mangay de la Alfajami, y villa del mismo nombre, y de los lugares de Nuez y Tarlete del castillo de Auranie y Pardina de Cuero, etc., grande de España de primera clase, gran cruz de la real y distinguida orden España de Carlos Tercero, y de la real y militar de San Hermenjildo, caballero de la esclavecida orden de San Juan de Jerusalem, comendador de Adiemas y Castelfair en el militar de nuestro Señora de Mantesa, Conde carado con la flor de lis de Francia, academio de honor de los reales de Madrid, Zaragoza y Valencia, protector del real canal de Manzanara, consejo nota en el supremo de la guerra, gentilhombre de camara de S. M. con ejercicio, teniente general de los reales ejercitos, y capitan comandante ynspector y gefe superior del real cuerpo de guardias de la persona del rey, dijo, que con fecha doce de Julio de mil ochocientos diez y siete, elebo una instancia á S. M., poniendo en su soberano consideracion que siendo un interes de la corona que se den á grandes capitalistas los terrenos incultos para que se pueblen y cultiben en lo que resueltaba las magores ventajas, y que hallandose en este caso muchas á casi los mas del fertil suelo de las Floridas, deseoso de contribuir por su parte á llenar los miras de poblacion tan interesante al bien comun, solicito del magnanimo corason del rey que se digne le concederle el terreno inculto, que no se hallase cedido en la Florida Oriental, situado entre las marjenes de los rios Santa Lucia y San Juan, hasta sus embocaduras, y demas que se denomina en la espresada instancia, á que por real orden de diez y siete de Diciembre del proprio año, se sirvo acceder en un todo S. M., y á su virtud el ex'mo Señor Duque de Alagon, comparaciente hallandoce absolutamente imposivilitado por los graves y urgentes ocupaciones que tiene á su cargo cerca de la real persona de S. M., de posar personalmente á tomar posesion, hacerse cargo administrar vegir y governad. didios terrenos, y acordar por si los disposiciones combenientes á que tuviere efecto en todas sus partes la mente de S. M., manifestada bien terminamantemente en la espresada real orden, acordo conferir tan importante encargo á mi sujeto de toda su entera satisfaccion y confianza, y como concuiriesen estas circumstancias en Don Nicolas Garrido, residente en aquella epoca en esta corte por ello y en consideracion á su providad y trastas conocimientos le confiere amplios poderes, y dio los ordenes á instrucciones oportunas para que en nombre de S. E., y en representacion de su persona derechos y acciones tomase y aprehendiese posesion en forma de los mencionados terrenos que el rey No. Sn., tuvo á bien cederle en toda propriedad para si y sus herederos, y

á su consecuencia verifico dicho toma de posesion en el dia veinte y siete de Junio de mil ochocientos diez y ocho, segun todo lo referido mas estensamente consta y aperece del testimonio que para mayor validacion de este insrumento, aqui se inserta, y su tenor en el siguiente Don Roman Lorenzo Calvo, escribano de camara del rey, nuestro señor, en el real y supremo consejo de la guerra de los cuerpos y tropas de casa real y su susgardo privelegiado notario de los reynos y del ilustro colegio de esta corte, etc. Certifico y doy fé que el ex'mo Señor Duque de Alagon grande de España de primera clase, capitan comandante inspector y gefe superior del real cuerpo de guardias de la persona del rey, se me ha ecrivido para que ponga testimoniado de ella la representacion que aqui se inserta, y su tenor con el de la real orden por lo cual S. M., se digne condescender con la suplica que contiene dicha instancia és como sigue.

Representacion.

Señor el Duque de Alagon, Baron de Spes, capitan de guardias de la real persona de V. M., con el mayor respecto espoñe : Que siendo un interes de la corona que se den á grandes capitalistas los terrenos incultos para que se pueblen y cultiven, en lo que resultan mas ventajas demostradas y á consejadas por todos los politicos, en cuyo caso se hallan muchos ó casi los mas del fertil suelo de las Floridas, y siendo tambien un derecho de V. M., comó dueño absoluto el distribuir los en obseguio de la agricultura y en premio y recompensa de los servicios interesantes que se le hacen con utilidad de V. M., y de su renio todo. Deseoso de merecer estas senales de aprecio de su enagarsimo corason, y de contribuir por mi parte á llenar los suivos de poblacion tan interesantes al bien comun. A. V. M. suplica se digne concederle el terreno inculto que no se halle cedido en la Florida Oriental, situado entre los margenes de los rios Santa Lucia y San Juan, hasta sus embocaduras en el mar y la costa del golfo de la Florida é islas adjacentes, con la embocadura del rio Hijuelos, por el grado veinte y seis de latitud, siguiendo su orilla isquierda hasta su nacimiento, tirando una linea á la laguna Macaco, vajando luego por el camino del rio de San Juan hasta la laguna Valdes, costando por otra linea desde el extremo norte de este laguna hasta el nacimiento del rio Amarrima, siguiendo la orilla derecha hasta su embocadura por los veinte y ocho á veinte y cinco de latitud, y continuando por la costa del mar, con todas sus yslas adjacentes, hasta la embocadura del rio Hijuelos, en plena propriedad, para si, y sus herederos, que dando la cuarte parte á beneficio de real canal de Manzanares, y permitiendose la introduccion de negros para el cultivo y travajo de las tierras libre de derechos, gracia que esperasen reçu de la innata bondad de V. M., cuya preciosa vida guarde Dios muchos años como lo suego.

Madrid, doce de Julio, de mil ochocientos diez y siete. Señor A. L. R. P. de V. M.

P. EL DUQUE DE ALAGON, BARON DE SPES.

Ex'mo Señor: Atendiendo el rey, nuestro señor, el distinguido merito y servicios de V. E., y á cuanto ha esperesto en su memorial del doce de Julio ultimo, sobre las ventajas que han de resultar al estado, de que se der á V. E., en pleno propriedad, para si y sus herederos los paises en la Florida Oriental, que en dicha exposicion demarca V. E., se ha dignado S. M., acceder á esta solicitud en cuanto no se oponga á los leyes; todo lo que de su real orden se ha comunicado al gobernador del consejo de Indias, para los efectos combenientes, y de la misma lo participo á V. E. para su inteligencia, satisfaccion, y govierno, Dios que á V. E. muchos años, palacio diez y siete de Diciembre de mil ochocientos diez y siete.

JOSE PIZARRO,
SENOR DUQUE DE ALAGON.

Ygualmente doy fé que por dicho ex'mo señor se un ecrivio al propio fin se testimonio dada, signado y firmado con fecha en la ciudad de San Augustin de la Florida, á veinte y siete de Junio, de mil ochocientos diez y ocho, por el escribano de gobierno y real hacienda Juan de Entralgo en el cual se halla inserto el auto de posesion siguiente: En la ciudad de San Agustin de la Florida, á veinte y siete de Junio, de mil ochocientos diez y ocho, el Sn. Dn. Jose Coppinger, colonel de los reales ejercitos, gobernador politico y militar, y subdelegado de real hacienda en este plaza y en su provincia, en virtud de lo dispuesto en el auto que antecede, y por ante mi, el infrascripto escribano de gobierno y real hacienda dio á Don Nicolas Garrido, residente en este dicha plaza, apoderado del ex'mo Señor Duque de Alagon, Baron de Spes, Grande de España de primera clase, y capitan de guardias de la real persona de S. M., sin perjuicio de tercero de mejor derecho, la posesion, real, actual, corporal vel cuasi, en forma de todo el terreno inculto que no se halle cedido, en todo esta Florida Oriental, situado entre las marjenes de los rios Santa Lucia y San Juan, hasta sus embocaduras en el mar, y la costa del golfo de la Florida é islas adjacentes, con la embocadura en el rio Hijuelos, por el grado veinte y seis de latitud, siquiendo su orilla isquierda hasta su nacimiento, tirando una linea á la laguna de Macaco, vajando luego por el camino del rio de San Juan hasta la laguna Valdes, costando por otra linea desde el extremo norte de esta laguna hasta el nacimiento del rio Amarrima, siguiendo la orilla derecha hasta su embocadura, por los veinte y ocho á veinte y cinco de latitud, y continuando por la costa del mar, con todas sus islas adjacentes, hasta la embocadura del rio Hijuelos, cuya posesion se verifico pasando al efecto á la isla de San Mateo, y en sus terrenos immediatos á la plaza y costa del mar, en voce y nombre de todos los demas que van referidas y se comprende vajo de los limites explicados, y en señal de vendadura posesion llebo su senoria por la mano al expresado Don Nicolas Garrido, á nombre del ex'mo Sr. Duque de Alagon, Baron de Spes, quien se pano por la citada ysla, aranco yerbos, esparcio puñados de tierra, é hizo otros actos posesiones sin contradiccion de persona alguna, y en ella amparo y defendio S. S. impiero la pena de

cincuenta mil maravedises para la real camara á quien se la pertube, sin vencerle primero en juicio, y de haber la tomada quieta y pacificamente lo pidio por testimonio para su resguardo, el cual mando S. S., se le provegese con todos los demas que necesite y firmo con el ante didio Don Nicolas Garrido, siendo testigos Don Manuel Fuertes, Don Luis Fleming, y Don Juan Maestre, vecinos de esta ciudad, de que doy fé.

JOSE COPPINGER,
NICOLAS GARRIDO.

Ante mi,

JUAN DE ENTRALGO,
Escribano de gobierno y real hacienda.

Corresponde con sus originales que devolvi al mismo ex'mo Sr. Duque de Alagon, de que firma su recibo, de que doy fé, y á que me remito. Y para que conste donde convenga á su instancia doy el presente que signo y firmo en ella; dado á diez y siete de Mayo, de mil ochocientos diez y nueve; recibi las originales.

P. ALAGON.

Hay mi signo.

RAMON LORENZO CALVO.

Concuerda con su original que queda unido é incorporado al registro protocolo de este instrumento de que doy fee, y á que me remito, y en su consecuencia deseoso S. E., de que el nominadó Don Nicolas Garrido, no conesco de autorizacion alguna, ni de las facultades que presen necesarias para llevar á devido efecto cuanto le tiene comunicado sobre el particular é incidencias que puedan sobrevenir, ha determinado conferirle los mas amplios generales é ilimitadas poderes, y poniendolo en ejecucion por el presente en la via y forma que mas haya lugar en derecho cierto y savedar, del que en este caso le compete, otorgo queda y confiere el mas amplio general, é iltmitado poder y el que puede necesitar al citado Don Nicolas Garrido, para que á nombre de S. E., y representando su propria persona derechos y acciones tomo las medidas y disposiciones combenientes á que á la mayor posible brevidad se verifique el desmante y limpia de toda la malesa de los sitios y parages que contemplase mas á proposito para la poblacion procurando progresivamente su aumento y veedificacion de edificios y artefactos en lo cual tendra S. E., la mas entera y completa satisfaccion por huviese en asi todo á los justas y sabias intenciones del rey nuestro señor, procediendo en seguida no solo á la introduccion de los negros necesarios se tambien á la venta y enagenacion de los porciones de terrenos, que tuviere á bien de los que van denominadas á la persona ó personas, companias, corporaciones ó comunidades, que le pareciese por la cantidad, modo y formo de pagos que estimase y contemplase mas estil y ventajosa á los derechos de S. E., otorgando sobre ello y los demas casos que ocuriesen en el particular de escrituras é instrumentos combenientes, con las clausulas, pactos, condiciones, requisitos, y circunstancias que le parecieren y jusgare mas á proposito, las cuales

para cuando llegue el caso aprobacion S. E., tal y como si por se mismo fueren hechas otorgadas y combenidas como si presente se hallase en atencion á la mucha satisfaccion y confianza, que le merece dicho Garrido, arreglandose en mi todo a los usos y costumbres del pais, é instrucciones que arreglados á ellas, y á la real orden de diez y siete de Diciembre, de mil ochocientos diez y siete, que la inserta, le comunique S. E., por sus cartas misivas, los cuales tendran tanto fuerza y validacion como si estubieran espresa y terminantemente con tenidor en este poder, y asi mismo le da facultad para queda en cuenta y neyo pueda substituir dicho poder en uno ó mas sujetas para solo el caso á particular de administrar y poblar los mencionados terrenos, revocando unos, substitutos y nombrando otros de nuevo, confiriendose le igualmente para que pida, y tome cuentas á la persona ó personas, companios, cavildos, concejos, ayuntamientos, y demas que correspondiese, haciendoles cargo de todo aquello que conceptuare deber hacerselo, aprovandolos lisa y llanamente siempre que las encontrase arregladas y suio lo estuvieren que los ponga los agrarios que contubieren que seguira hasta que queden sin ellos, nombrando, en su caso, contador ó contadores tercero, en discordia ó de oficio en reveldia, dando de avanto percibiere y cobrare los recibos cartas de pago finigustos lastos y cuantos resguardos le fueran pedidos con fé de entrega ó renunciacion de sus leyes, transijiendo con cualesquiera personas, comunidades ó corporaciones, los casos y cosas que occurran, comprometiendoles en su caso en jueces, arbitros, arbitradores y amigables companedores, haciendo que las otras partes ejecuten lo mismo, obligandose á estar y parar por sus actos, juicios y sentencias, y finalmente S. E. le confiere poder y facultad para que si en rason de lo referido cada cosa ó parte fuere preciso parecer en juicio lo haga en los jusgados y tribunales superiores ó inferiores, eclesiasticos, seculares y militares que corresponda, haciendo y presentando pedimentos, memoriales, representaciones, requerimentos, citaciones, oposiciones, testigos, instrumentos, tachas, contradicciones, demandar sus contestaciones, protestas, juramentos, recusaciones, en prueva ó fuera de ella, haga y ofresca lo que creyese util y combeniente, pidiendo ejecuciones, prisiones, solturas, embargos y desembargos de bienes, entrance, venta y remate con posesion y amparo, oyendo autos y sentencias, interlocutores y definitivos, consientiendo las favorables y de las adversas, apelando y suplicando para ante quien con derecho correspondiere, siguiendo las tales apelaciones y suplicas, en todas instancias y tribunales, y obtendiendo reales provisiones, cedulas, y todo genero de despachos que hara llevar ó fuera y devido ejecucion, haciendo y praticando á nombre de S. E. todos los demas actos, pasos, y diligencias que judicial ó extrajudicialmente se requieren, y que el ex'mo Señor Duque otorgante havia y practicaria por se si presente se hallare siendo su esperesa voluntad que el referido Don Nicolas Garrido no converca de autorizacion, ni de las facultades que fueren necesarias á llevar á colmo cuanto le tierre, comunicado en el asunto é incidentes que pudieran sobrevenir ó quiere que por falta de alguna scala que quiere, y aunque aqui no vaya espresada, no debe detener efecto cuanto instan-

sare, acordare y contratare sobre dicho punto el citado Don Nicolas Garrido pues lo que fuere desde ahora para cuando llegue el caso lo assureba S. E. en iguales terminos que se por si mismo lo hiciera pues al intento le da y confiere el mas amplio general y especial poder, contadas sus incidencias, dependencias, anexsidades y conecsidades, libre, franca, y general administracion, relevacion y obligacion que segun derecho hace de haberlo por firme, con podero y sumision á las justicias competentes, renunciacion de leyes de su favor, con la que prohive la general de ellas, en forma, y asi lo dijo otorgo y firmo S. E. á quien doy fé, conosco siendo testigos Don Vincente Murillo, Don Lorenzo Linares, y Don Ramon de Berara, vecinos y residentes en esta corte.

P. EL DUQUE DE ALAGON, BARON DE SPES.

Ante mi,

RAMON LORENZO CALVO.

NOTA. Doy fé que en dicho dia di dos copias iguales supliego del sello segundo é intermedios del cuarto de á cuarenta maravedieses.

CALVO.

OTRA. Ygualmente doy fé que con fecha de hay se dieran otras dos copias iguales que las anteriores en el mismo papel.

Madrid, diez y siete de Junio, de mil ochocientos diez y nueve.

CALVO.

Y finalmente certifico y doy fé que con fecha veinte y nueve de Mayo, del referido año de mil ochocientos diez y nueve, por ante mi, el infrascripto y soficiente numero de testigos, por el citado ex'mo Señor Don Francisco Ramon de Espes, Fernandez de Cordova y Alagon, Duque de Alagon, se otorgo la escritura de cesion y donacion de ciertos terrenos, sitos en la Florida Oriental, que le pertenecen por gracia y donacion hecha á su favor por S. M. el Sr. Don Fernando septimo (que este en gloria) en favor de Don Ricardo S. Hackley, domiciliado en Richmonde, en Virginia, en los Estados Unidos de America, cuyo tenor és el siguiente.

Escritura de cesion.

En la villa de Madrid, á veinte y nueve de Mayo, de mil ochocientos diez nueve, ante mi, el escribano de camara, notario de los reinos y testigos, que se diran: El ex'mo Sr. Don Francisco Ramon de Espes, Fernandez de Cordova y Alagon, Glimez de Brabante, Aragon, Baron Martinez de Luna, Mancayo, Palafox, Herrera, Rozas y Guzman, Herrera, etc., Duque de Alagon, Baron de Spes y Alfajarin, Conde de Castelflorido, Grande de España de primera clase, gran cruz de la real y distinguida orden Española de Carlos tercero, y de la militar de San Hermenejildo y Mantesa, protector del real canal de Manzanares, gentilhombre de camara de S. M. con ejercicio, teniente general de sus reales ejercitos, y capitan comandante, inspector y gefe superior del real

cuerpo de guardias de la persona del rey, dijo, que por real orden su fecha diez y siete de Diciembre, de mil ochocientos diez y siete, y en consideracion á su distinguido merito y servicios se dignó, el rey, nuestro señor, cederle el terreno inculto que no se hallaba cedido en la Florida Oriental, situado entre las margenes de los rios Santa Lucia y San Juan, hasta sus embocaduras en el mar, y la costa de golfo de la Floridas é islas adjacentes, en la embocadura del rio Hijuelos, por el grado veinte y seis de latitud, siguiendo su orilla isquierda hasta su nacimiento, tirando una linea á la laguna Macaco, vajando luego por el camino del rio de San Juan hasta la laguna Valdes, contando por otra linea desde el extremo norte de esta laguna hasta el nacimiento del rio Amarrima, siguiendo la orilla derecha hasta su embocadura por los veinte y ocho grados y veinte y cinco minutos de [latitud,] y continuando por la costa del mar con todos sus yslas adjacentes hasta la embocadura del rio Hijuelos, cuya cesion de dichos terrenos fueren plena propriedad para si y sus herederos con la facultad y permiso de poder introducir negros para el cultivo y travajo de la tierras libre de derechos teniendo presente S. M. al conceder dicha gracia cuan interesante era a la nacion que se diesen a grandes capitalistas los terrenos incultos con el fin de que se poblasen y cultivaren que hera el principal objeto del Rey por conocer las considerables vantajas que en ello resultaban ; que tan luego como acepto decha cesion el ex'mo el duque comparaciente confiero a conferencias y conferencio largamente con Don Ricardo S. Hackley, vecino de Richmond, en Virginia, en los Estados Unidos de America, residente en esta corte, asi en rason de los medios, modo y formo de realisar el desmante y limpia de parte de dichos terrenos para en seguido conferender la revedeficacion de edificios y consigmente poblacion, como sobre la introduccion de negros que para ella se hacia indispensable y cuantiosos desembolsos que habia que hacer sobre lo cual el Dn. Ricardo S. Hackley y compania, presento uno pliego de condiciones, vajo de ciertas vases, con fecha primero de Enero, de mil ochocientos diez y ocho, y aunque en la mayor parte estaban conformer y combenidos no llego el caso que de ello se elevan por entonces a escritura publica dicho tratado y combenio y por lo mismo asi los cosas y sin perjuicio de continuar como continuaren conferenciando sobre ello con el plausible objeto de que a la mayor posible brevedad tuviesen en parte los justos y beneficos intenciones de S. M. su devido cumplimiento el ex'mo sr. duque compareciente, animado de los mismos sentimentos con fecha veinte y siete de Febrero de dicho año de mil ochocientos diez y ocho, y por ante mi, el infrascripto conferio sus amplios e ilimitados poderes a Dn. Nicolas Garrido, residente en aquella epoca en este corte, para que constituyendose en aquellos dominios, tomase y aprendiese posesion de los espresados terrenos cedidos por S. M. las que administrara vijiere y gobernase en los terminos que mejor le pareciese conferiendole para ello y demas casos y cosas que pudiesen ocurir las facultades mas amplias y constitudo efectivamente el citado Dn. Ricardo Garrido en la ciudad de San Agustin de la Florida, y echo presente los poderes de S. E. con que estaba revestido y autorisa-

do se le dio la posesion real corporal vel cuasi y en forma de dichos terrenos por el Sr. Dn. Jose Coppinger, coronel de los reales ejercitos, gobernador politico y militar, sub-delegado de real hacienda, en dicha plaza y su provincia de que se estendio la competente acta por ante el escribano de aquel govierno y real hacienda, con fecha veinte y siete de Junio del referido año de mil ochocientos diez y ocho, y dado de ello oportuno testimonio; que habiendo continuando constantemente conferenciado entre si el ex'mo sr. duque compareciente y el Dn. Ricardo S. Hackley para si y a nombre de su compania, sobre la absencia y combenio de las vases sobre que rueda el plan de fecha primero de Enero, de mil ochocientos diez y ocho, despues de varias discusiones teniendo presente S. E. las particulares circumstancias y bastos conocimientos en la materia de que se trata que concuren en dicho Don Ricartlo S. Hackley, han convenido partiendo de el principio de dicho plan ó pliego de condiciones en que S. E. ceda parte de los nominados terrenos al Don Ricardo S. Hackley y compania, y poniendole en ejecucion por la presente en la via y forma que mas haya lugar en derecho cierto seguro y sabedar S. E., del que en este caso lo compete; otorga que cede renuncio y traspasa, hace gracia y donacion pura perfecta é irrevocable, entre vivos para siempre jamas, por sé y a nombre de sus hijos herederos y subcesores, a favor del nominado Dn. Ricardo S. Hackley y compania, domiciliado en Richmont, en los Estados Unidos de America, todo el terreno que este comprendido desde la embocadura del rio Amarrima por su orilla derecha hasta los puentes de este rio, tirando uno linea recta al rio San Juan y subscrido por la isquierda de este mismo rio hasta la laguna Macaco, y desde la punta del sud de esta laguna, tirando una linea recta a los fuentes del rio Hijuelos, vajando por su orilla derecha hasta la embocadura en el mar, continuando por la costa con sus yslas adjacentes hasta la embocadura del rio Amarrima, cuyos terrenos son de los comprendidos en la gracia de cesion hecha a S. E. por el Rey n. sr. por la real orden de diez y siete de Diciembre, de mil ochocientos diez y siete, reservandose en si el ex'mo sr. duque otorgante en todo dominio y propriedad todos los demas puntos y terrenos que aqui no van espresamente determinados ni cedidos por este instrumento a segurando al propio tiempo S. E. que la cesion que deja hecha al nominado Don Ricardo S. Hackley y compania es da su libre y espontanea voluntad para si sus hijas herederos ó subcesores ó quien legitimamente les represente, en consideracion a las ventajas que se promete y puede sacarse en el modo y forma de realizarse, la limpia desmante y poblacion puento que tanto interesa a nuestro gobierno y que ha ofrecido realizar ni continente al citado Don Ricardo S. Hackley y compania conforme al citado plan de condiciones de primero de Enero, de mil ochocientos diez y ocho, entendiendose la referida cesion con todas las antecedas y solidas de los terrenos usos costumbres derechos y servidumbres que hasta ahora ha tenido y de hecho y por derecho le pertenecian y pueden corresponder a S. E. para que el Don Ricardo S. Hackley y compania disponga de ello como de casa suya adquirida por justo titulo como lo es en esta *haituva* asegurando

asi mismo S. E. que por las causas y rasones contados le pertenecen legitamente los espresados terrenos que lleva cedidos al Don Ricardo S. Hackley y compania, y que de modo alguno los tiene cedidos, vendidos, ni enagenados todo ni parte a ninguna otra persona ni menos estan sujetos ni responsables asniguna cargo ni gravamen sobre lo cual no tiene S. E. la menos idea; y a la observancia y cumplimiento de todo obligo S. E. todas sus bienes y rentas, habidos y por haber, dar poder cumplido á las justicias y jueces competentes á cuyo fuero y jurisdiccion, y del de cada uno en solidum é samete renuncio el suyo propio domicilio, jurisdiccion y vecindad, leyes, fuesos y derechos de su favor, con la que prohive la general de ellas en favena; y asi lo dijo otorgo y firmo S. E. á quien yo, el infrascrito doy fé, conosciendo testigos Don Vincente Murillo y Mante, Don José Blanco, y Don Tomas Lopez, vecinos y residentes cuesta corte.

P. EL DUQUE DE ALAGON, BARON DE SPES.

Ante mi.

RAMON LORENZO CALVO.

NOTA. Doy fé que en dicho dia di copia á S. E. en pliego del sello primero é intermedio del cuarto mayor.

CALVO.

OTRA. Asi mismo di otra copia en igual papel á la parte de Don Ricardo S. Hackley.

CALVO.

Corresponde á la letra con sus originales que lo quedan en los registros protocolos de *nastavas* publicas otorgadas, ante mi, el infrascripto, como notario de los reynos é individuo del ilustre colegio de esta corte, en los espresados años de mil ochocientos diez y ocho, y mil ochocientos diez y nueve, de que doy fé, y á que me remito asi como tambien lo doy de que quedan originales en mi poder. Y para que conste donde convenga á virtud de lo mandado doy el presente, que signo y firmo en Madrid, á veinte y siete de Noviembre de mil ochocientos cuarenta y siete. Enem'do, casa. Vale.

[Flourish.]

RAMON LORENZO CALVO.

Legalizacion. Los ex'mos de S. M. y del ilustre colegio de esta corte, que aqui signamos y firmamos, certificamos y damos fé; que el D. Ramon Lorenzo Calvo, por quien esta dado, signado y firmado, el anterior testimonio és como se titulo sno. de S. M., su ex'mo de camara, notario de los reynos, é individuo de dho. ilustre colegio, fiel legal y de toda confianza, y el signo y firmo estampado al pie de su puno y letra, y al que acostumbra en todos sus escritos, á los ql. siempre se les ha dado y da entera fé y credito judicial y extrajudicialmente, yo que conste damos la presente, sellada con el *con el* de nuestro colegio, en

2637.

Madrid, á veinte y nueve de Novre. de mil ochocientos cuarenta y siete.

Flourish. Flourish. Flourish.
MANUEL LOPEZ PINAL,
RAMON ARAGON ESPINOSA,
JUNO MARAYLA.

(Seal of the Notarial College.)

Don Miguel Marial Duran, magistrad honorario de la auda. territorial de Granada, y juez de primero insta. de esta villa de Madrid, &c., certifico, que las tres ex'mos, por quienes se halla legalizado el antecedente documento, son tales como se titulan legales, y de confianza por lo que á sus semejantes siempre se ha dad fé y credito en juicio y fuera de el, y pa. ql. conste doy la presente, que firmo en Madrid, á primero de Diciembre de mil ochocientos cuarenta y siete.

MIGL. MA. DURAN.

Fees, vienta y seis rs.

Don Jose Francisco Marejon, regente de la audiencia territorial de Madrid, certifico, que Dn. Miguel Maria Duran, por quien esta dada y firmada la que antecede, és como se titula juez de primera instancia de este capital, y suya al parecer la firma y rubrica puesta á su final. Madrid, dos de Diciembre de mil ochocientos cuarenta y siete.

JOSE F'O MAREGO.

Dn. Lorenzo Arrazalo, caballero de la gran cruz de Isabela, la Catolico, &c., &c., ministro de gracia y justicia, notario mayor del reyno, &c., &c , certifico, que D. Jose Franc'o Marejon, por quien se halla autorizado el anterior documento, és como se titula, regente de la audiencia territorial de esta corte, suya al parecer la firma puesta á su final, y para que conste firmo la presente en Madrid, á seis de Diciembre de mil ochocientos cuarente y siete.

LORENZO ARRAZALO.

Don Antonio Caballero, sub-secretario del ministerio de estado, certifico, que Don Lorenzo Arrazalo, por quien se halla legalizado el documento que antecede, és tal ministro de gracia y justicia, y notario mayor del reino como se titula y suya al parecer, la firmo la presente en Madrid á siete de Diciembre de mil ochocientos cuarente y siete.

[SEAL.] ANTONIO CABALLERO.

I, the undersigned, envoy extraordinary and minister plenipotentiary of the United States to Spain, hereby certify, that the above is the usual signature of Don Antonio Caballero, and that he is her catholic Majesty's sub-secretary of state.

In witness whereof I hereunto subscribe my name, and affix the seal of this legation, at Madrid, this tenth day of December, anno domini 1847.

[SEAL.] Signed, R. M. SAUNDERS.

Gratis.

STATE OF FLORIDA, *county of St. John's.*

Circuit court, clerk's office. On the second day of January, 1849, received the within deed of conveyance, of lands in East Florida, from the Duke of Alagon to Richard S. Hackley & Co., and recorded the said deed the second day of January, 1849, in book P, pages 176, 177, 178, and 179 of records [of] deeds.

P. B. DUMAS,
Clerk C. C. of St. John's county.

Translation of plaintiff's document marked F.

I Doña Giorgiana Stuart de Chacon, widow, domiciled in New York, in the United States of America, and at present residing at this court, in the name and by the authority of Doña Harriet Hackley, widow of Don Ricardo S. Hackley, now deceased, late resident of Richmond, in Virginia, in the aforesaid United States, do say before your honor, that by royal order dated the 17th of December, of the past year of 1817, his Majesty the King, Don Ferdinand VII, (now deceased,) acceding to the petition which, with date of the 12th of July of the same year, his excellency Don Francisco Ramon de Espes, Fernando de Cordova y Alagon, Duke of Alagon, and other titles, now deceased, laid at his royal feet, was pleased to grant and give in full dominion and property, to the said Duke and to his children, heirs, and successors, by virtue of his prerogative as absolute King, he being such at that time, all the uncultivated land not previously granted in East Florida, situated between the banks of the rivers Santa Lucia and San Juan, as far as their mouths at the sea, and the coast of the gulf of Florida and adjacent islands, with the mouth of the river Hijuelos by the 26th degree of latitude, and along the left bank thereof as far as its source; then drawing a line to the lake Macaco, then descending by the way of the river San Juan as far as lake Valdes, drawing another line from the northermost part of this lake as far as the source of the river Amarrima; then following the right bank as far as its mouth in latitude 28 degrees 25 minutes, and continuing along the coast of the sea, with all its adjacent islands, as far as the mouth of the river Hijuelos. That the said gift having been accepted by his excellency the Duke of Alagon, after the requisite communication of said royal favor, both to the supreme council of the Indies, and to the captain general of the island of Cuba, governor of Havana, he (the Duke) conferred his full power of attorney, with the necessary authority, to Don Nicolas Garrido, in order that he might proceed to those countries, and in the name of his excellency, take possession, real and corporal, of the aforesaid lands, which had been granted to him by his Majesty; which act was done in a quiet and peaceful manner, and without the least opposition, in the city of St. Augustine, of Florida, on the 27th of June of the following year, 1818; before the civil and military governor, sub-delegate of the royal treasury of the same place, of which proceeding a proper act was drawn up. That the Duke being the owner of the aforesaid lands, for the causes and reasons above mentioned, his excellency exe-

cuted a suitable public instrument, dated at this court on the 29th of May, 1819, before the clerk of the council, notary Don Ramon Lorenzo Calvo, by which instrument, in conformity with a certain previous agreement, he conveyed and granted a part of the said lands to Don Ricardo S. Hackley, who being in possession of such part departed this life, by reason thereof his widow and heirs have succeeded him in his rights and actions; and as these parties require, for the enforcement and protection of their rights, to have in their possession a title or authentic document of the royal grant, act of possession, and deed above mentioned, which are found in the records of the aforesaid clerk of the council, notary of the kingdom, Don Ramon Lorenzo Calvo, I pray your honor to be pleased to issue the proper order directing that if the aforesaid documents are to be found in the records, the above named notary of the kingdom, Don Ramon Lorenzo Calvo, should insert at foot a literal copy of them, and when done, that this original proceeding should be delivered to me for the uses that may be required in justice, which I demand; swears, &c. By authority.

GEORGIANA STUART DE CALVO.

MADRID, 16th of November, 1847.

I, the undersigned notary of her Majesty, certify, that I know the person interested who subscribes the foregoing instrument, and that the signature thereto is in her own handwriting.

RAMON LORENZO CALVO.

MADRID, November 16, 1847.

Note.—Presented on the 19th November, 1847.

GRANJA.

Decree.

For the purposes which may be required at law, and if the documents mentioned are to be found in the records of public instruments, which have been executed before the notary of her Majesty, Don Ramon Lorenzo Calvo, let him furnish the copies thereof which are solicited, by virtue and in continuation of this order, which is to serve as a formal mandate. Don Miguel Maria Duran, judge of the first instance, in Madrid, thus ordered it on the 19th of November, 1847.

DURAN.

Santiago de la GRANJA.

In compliance with what is ordered in the foregoing decree and mandate of Don Miguel Maria Duran, judge of first instance of this most heroic city, dated on the 19th of the present month, certified by the notary of the number, Don Santiago de la Granja, I, Don Ramon Lorenzo Calvo, of the council of her Majesty, her secretary, clerk of the council in the supreme tribunal of war and marine, notary of the kingdom, and member of the illustrious college of this court, &c., I do certify and attest that, with date of the 27th of February of the past year 1818, his ex-

cellency Don Francisco Ramon de Espes, Fernando de Cordova y of Alagon, Duke of Alagon, Baron of Spes, &c., &c., before me, the undersigned secretary, clerk of the council, notary of the kingdom, and before the requisite number of witnesses, executed the general power of attorney herein inserted, and the tenor thereof, together with that of the certified copy of the royal order therein inserted, and marginal notes are as follows:

Record of the general power of attorney.

In the city of Madrid, on the twenty-seventh day of February, one thousand eight hundred and eighteen, before me, the clerk of the council, notary of the kingdom, and the witnesses hereinafter named, his excellency Don Francisco Ramon de Espes, Fernando de Cordova and Alagon, Glemies de Brabante, Alagon, Baron Martinez de Luna, Mancayo, Palafox, Herrera, Rojas and Guzman, duke of Alagon, baron of Espes and Alfajarian, count of Castelflorido, proprietor and lord temporal of the aforesaid barony of Espes, and towns of Espes, Chiriveta, and Mangay, and of the barony of Alfajarin, and town of the same name, and of the towns of Neur and Tarlete, of the castle of Anzono and Pardina de Cucros, &c., grandee of Spain of the first class, grand cross of the royal and distinguished Spanish order of Charles the Third, and of the royal and military order of San Hermenegildo, knight of the distinguished order of St. John of Jerusalem, commendary of Ademar and Casteffavi, in the military order of our Lady of Montesa, decorated with the fleur de lis of France, honorary member of the royal academies of Madrid, Saragosa, and Valencia, protector of the royal canal Manzanares, counsellor ex officio of the supreme council of war, gentleman of his Majesty's chamber in exercise, lieutenant general of the royal armies, and captain commandant, inspector, and superior chief of the royal cross of personal guards of the King, declare, that the King, our lord, (whom God preserve,) by his royal order of the seventeenth day of December, in the year last past, 1817, was pleased, condescending to the prayer which his excellency addressed to him, dated on the 12th day of July of said year, and in consideration of his distinguised merit, and well proved zeal for the royal service of his Majesty and his sovereign person, to grant him in full property, for himself and his heirs, the uncultivated lands not before granted in East Florida, situated between the banks of the rivers Santa Lucia and San Juan, as far as their mouths at the sea, and the coast of the gulf of Florida and the adjacent islands, with the mouth of the river Hijuelos, by the twenty-sixth degree of latitude, and along the left bank of the said river up to its source, drawing a line by the lake Macaco, coming thence down by the way of the river San Juan to lake Valdes, and drawing another line from the northernmost part of said lake to the source of the river Amarrima, thence pursuing the left bank of said river to its mouth in latitude 28 degrees 25 minutes, and continuing along the coast of the sea, with all its adjacent islands to the mouth of the river Hijuelos, the corresponding royal order having been issued, dated at the royal palace of this court, the sixth instant, signed by his

Majesty's own royal hand, and countersigned by Don. Esteban Bared, his secretary, and secretary of the supreme council of the Indies, granting thereby to his excellency authority to import negroes, free of duty, to work and cultivate the land, as it does more fully appear from the tenor of said royal order, an authentic copy whereof, for the greater validity of which, will be hereafter mentioned, is here inserted, its tenor being as follows:

Exemplification. The King. My governor and captain general of the island of Cuba and its district, the Duke of Alagon, Baron of Espes, represented to me in his memorial, dated the twelfth day of July, of last year, as follows:

SIRE: The duke of Alagon, Baron of Espes, captain of the guards of the royal person of your Majesty, with the greatest respect, sets forth, that it being the interest of the crown to grant to great capitalists the uncultivated lands in order that they may be peopled and cultivated, whence great advantages arise, which are fully demonstrated and recommended by all political writers; and many or nearly the greatest part of the fertile soil of the Floridas being in such uncultivated state, and your Majesty having the right, as absolute proprietor, of distributing those lands for the benefit of agriculture, and by way of reward and remuneration for important services rendered to the advantage of your Majesty and of your whole kingdom.

Anxious to obtain this mark of consideration from the magnanimous heart of your Majesty, and of contributing on his part to promote population, an object of so great importance to the public welfare, prays your majesty to be pleased to grant him the uncultivated land not before granted in East Florida, situate between the banks of the rivers Santa Lucia and San Juan, as far as their mouths at the sea, and the coast of the gulf of Florida and adjacent islands, with the mouth of the river Hijuelos, by the twenty-sixth degree of latitude, and along the left bank of the said river up to its source, drawing thence a line by the lake Macaco, coming thence down by the way of the river San Juan to lake Valdez, and drawing another line from the northernmost part of said lake to the source of the river Amarrima, thence pursuing the right bank of said river to its mouth in 28 or 25 [degrees] of latitude,* and continuing along the coast of the sea, and all its adjacent islands, to the mouth of the river Hijuelos, in full property for himself and his heirs, and permitting him the importation of negroes, free of duty, to work and cultivate said lands, a favor which he hopes to obtain from the innate benevolence of your Majesty. Being informed of the purport of this memorial, and taking into consideration the distinguished merit of this individual, and to his well known zeal for my royal service, as also the advantages which accrue to the State from the increase of population in the tract of country which he solicits, I have been pleased to accede to his solicitude, as far as it may not be in opposition to the laws of those [of] my kingdoms, and communicat[ed] the same to my council of the Indies, in my royal decree of the seventeenth day of December, of said year, for its execution.

Wherefore I command and require you, by this my royal order, in conformity with the laws touching this matter, effectually to aid the execution of said concession, taking all the measures proper to carry it into effect, without prejudice to the rights of a third party, and in order that said Duke of Alagon may proceed immediately to carry into execution his designs agreeably in every respect to my benevolent wishes in favor of the agriculture and commerce of said possessions, which demand a population proportioned to the fertility of the soil, and the defence and security of the sea coast, informing, hereafter, of the progress that may be made, it being understood that the importation of negroes allowed in said concession is to be made, as far as the traffic in them is concerned, in conformity with the regulations prescribed in my royal order of the nineteenth of December, ultimo, for such is my will; and that account be taken of this royal order in the contaduria general of the Indies.

Given at the palace this sixth day of February, in the year one thousand eight hundred and eighteen.

I, THE KING.

By the command of the King, our lord.

ESTEBAN VARED.

Fees, sixty rails of silver. Four flourishes. Duplicate.

To the governor and captain general of the Island of Cuba, and its district, that he may take proper measures to render effectual the favor conceded to the Duke of Alagon, of certain lands situate in East Florida, with the rest herein expressed; corrected; one flourish. Account was taken in the contaduria general of North America, Madrid, this sixteenth day of February, in the year one thousand eight hundred and eighteen.

JOSE DE CEJADA.

It agrees with the original which was for the purpose presented to me by his excellency the Duke of Alagon, to whom I returned it, which I attest, and to which I refer.

In testimony thereof, at his request, I, the undersigned, clerk of the counsel of the King, our lord, and notary public of these kingdoms, and member of the college of this court, do give and sign these presents in Madrid, this twenty-seventh day of February, in the year one thousand eight hundred and eighteen.

DON RAYMON LORENZO CALVO.

It agrees with the original which remains united and incorporated to the record of this instrument, which I attest, and to which I refer; consequently his excellency not being able, from the weighty matters which are committed to his care and occupy his attention, and his constant service immediately about the person of his Majesty, to go personally to take possession, assume the management and administration

himself, direct and devise proper means to carry into full and complete effect the resolution of his Majesty clearly manifested in said royal order of the sixth instant, has determined, after mature consideration, to commit this important business to some one in whom he may have full and entire confidence, and such being the case with regard to Don Nicholas Garrido, in order that in the name of his excellency the Duke of Alagon, and representing his own person, rights and actions, he may repair to the place, and make application to his excellency the captain general of the Island of Cuba, governor of the Havana, intendant governor of Florida, and other authorities, ministers, and justices of those dominions, to whom it may appertain; and after obtaining their assent and permission, in conformity with the laws there in force, to take possession, corporal, vel quasi, and in due form, of the uncultivated lands which his Majesty has been pleased to grant in full property to his excellency for himself and his heirs, in East Florida, in the above mentioned royal order, and which lands are situated between the banks of the rivers Santa Lucia and San Juan, as far as their mouths at the sea, and the coast of the gulf of Florida, and the adjacent islands, with the mouth of the river Hijuelos, by the twenty-sixth degree of latitude, and along the left bank of said river up to its source; drawing thence a line to lake Macaco; descending by the way of the river San Juan to lake Valdes; and drawing another line from the northernmost part of said lake to the source of the river Amarrima, thence pursuing the right bank of said river to its mouth, by the 28th or 25th latitude;* and continuing along the coast of the sea, with all its adjacent islands, to the mouth of the river Hijuelos; and directly after this the said Don Nicolas Garrido shall himself assume the management and administration of said lands; taking proper measures for the most prompt opening and clearing of such parts and places as he may deem most necessary and fit for settlement; he is likewise to adopt the most energetic and suitable measures in order to commence, as soon as possible, the settlement of the land; endeavoring to promote progressively the increase of the same, as also the building of houses, and introduction of mechanic trades, from which his excellency will receive the most complete satisfaction as he entirely participates in the just and wise views of the King, our lord. His excellency likewise gives and confers to him power and authority, in order that in his name and representation said Don Nicolas Garrido shall proceed, not only to introduce the negroes, necessary and required for the working and cultivation of said lands free of duty, according to the aforesaid royal order of his Majesty of the sixth instant, but also to effect sales, and alienate such parts of the above mentioned lands as he may think proper, conveying the same to any person or persons, companies of bodies corporate, that he may think fit, for such sums, payable in such manner and form, as he may deem most useful and advantageous to his excellency's rights; said Garrido being authorized to execute upon this, as upon any other matter touching the premises, such deeds, instruments, and documents as may be required, with

such clauses, agreements, conditions, terms, and circumstances which, in his judgment, will be most consonant with the intention of his excellency; which instruments of conveyance his excellency, the Duke, from this time approves of, sanctions, and ratifies in the same manner as if they were granted and executed by himself, were he present, in consequence of the great confidence and full trust which he reposes in said Don Nicolas Garrido, who is to act in every respect according to the usages, customs, and practice of those countries, and in conformity to the laws which prevail in them; as also with the royal order, dated the sixth instant, which has been herein inserted, and agreeable to the orders and instructions which his excellency will, in conformity therewith, furnish him in his missive letters, which shall have the same force and validity as if they were expressly and particularly inserted in this special and general power of attorney; his excellency also authorizing him to substitute this power, on his account and at his own risk, in one or more persons, for the only purpose of managing and making settlements upon the said lands, and to revoke substitutes and name new ones; moreover, he confers power upon him to demand and examine all accounts from any person or persons, companies, bodies corporate, or corporations, or from any others whom it may concern, charging whatever in his opinion he may have a right to charge, simply approving said accounts whenever he may find them just, and not being so, make the proper objection to them, which he will support until the cause be removed, appointing one or more accountants and an umpire in case of dissension, or judicially in case of contumacy, giving for whatever he may recover and receive such receipts, letters of payment, acquittances, discharges, and other vouchers, as may be required by all proper persons, with certificate of actual delivery of the sums paid, if the same should be paid at the time, renouncing the laws touching this matter if the money should not be actually paid down at the time. In all matters and cases which he may not be able to settle and adjust amicably with any persons, corporations, and authorities, to submit the same to judges, arbiters, arbitrators, and friendly adjusters, causing the opposite parties to do the same, binding himself to abide by and submit to their awards, judgments, penalties, and decisions; and finally, he gives and confers to him power and authority, in case it should be required in and about the premises, to appear at law, in the name of his excellency, in the proper courts and tribunals, superior and inferior, ecclesiastical, military, and civil, making and presenting petitions, memorials, remonstrances, requisitions, citations, oppositions, witnesses, instruments, objections, contradictions, demands, answers to the same, protests, oaths, challenges, in or out of proof, to do and present whatever he may deem useful and proper to the rights of his excellency; to demand executions, arrests, discharges, seizures, and releases of property, sales thereof at auction, or otherwise, with possession and assistance; to hear decrees and sentences, introductory and final; to assent to such as are favorable, and to appeal and petition, before whom it may concern, from those

which are adverse, prosecuting such appeals and petition in all instances and courts; to procure and obtain royal provisions, orders, and all kinds of despatches, which he will cause to be carried into full execution; and finally to do and perform, in the name of his excellency, all other acts, matters, and things which may be required in or out of court, and which the Duke might do and perform if he were personally present, as he gives and confers to the aforesaid Don Nicolas Garrido such special and general power as he may require for all things, without limitation, with all incidents, dependencies, and appurtenances, with free, full, and general administration; exonerating him from all liabilities, and binding himself to ratify and confirm these presents in due form of law; submitting to the jurisdiction of all competent justices and authorities who may have cognizance of the premises, to the jurisdiction of all and each of whom he submits, renouncing in due form his privileges, jurisdiction, domicil, laws, immunities, and rights in his favor, and the general law relating to this matter; giving likewise to his attorney authority to substitute in all legal proceedings such person or persons as he may think proper, to revoke such substitutes and appoint others. It was thus declared, executed, and signed by his excellency, who I certify is known to me, the witnesses being Don Vicente Murillo y Montes, Don Lorenzo Linares, and Don Hilario de Berara, inhabitants and residents of this court.

P. The DUKE OF ALAGON,
Baron de Spes.

Before me— ROMAN LORENZO CALVO.

NOTE. I certify, that on the same day four copies, all alike, were issued on paper of the second seal, and intermediate to the fourth seal, of forty maravedis; which copies were delivered to the attorney, Don Nicolas Garrido. CALVO.

ANOTHER. I likewise certify, that on this day, at the request of his excellency, the Duke of Alagon, the principal, I issued two other copies, being the fifth and sixth, on similar paper of the second seal, and intermediate to the fourth, of forty maravedis.

CALVO.

Likewise I, the undersigned, secretary of her Majesty, notary of the kingdoms, do certify, that his excellency, the aforesaid Duke of Alagon, &c., did, on the seventeenth day of May, 1819, following, before me and the requisite number of witnesses, execute to Don Nicolas Garrido the power of attorney to administer, and for other purposes, in the words following, viz:

Power of attorney to administer.

In the city of Madrid, on the 17th of May, 1819, before me, the clerk of the council, notary of the kingdoms, and before the witnesses hereafter named, his excellency, Sn. Don Francisco Ramon de Espes, Fer-

nandez de Cordova y Alagon, Glemies de Brabante, Alagon, Baron Martinez de Luna, Moncajo, Palafox, Herrera, y Rojas Y Guzman, &c., Duke of Alagon, Baron of Espes and Alfajarin, count of Castelflorido, proprietor and lord temporal of the aforesaid barony of Spes, and towns of Spes, Chiriveta, and Mangay, of the barony of Alfarajin, and town of the same name, and of the towns of Neur and Torlete, of the castle of Amano and Pardina de Curros, &c., grandee of Spain of the first class, grand cross of the royal and distinguished Spanish order of Charles the Third, and of the royal and military order of our Lady of Montesa, decorated with the fleur de lis of France, honorary member of the royal academies of Madrid, Saragotta, and Valencia, protector of the royal canal of Manzanares, counsellor ex officio of the supreme council of war, gentleman of the chamber of his Majesty in exercise, lieutenant general of the royal armies, and captain commandant inspector, and superior chief of the royal corps of body guards of the King, declared that, under date of the 12th of July, of the year 1817, he presented a petition to his Majesty, submitting to his sovereign consideration, that it being the interest of the crown that the uncultivated lands should be given to great capitalists in order to have them peopled and cultivated, from which the greatest advantages resulted, and that many or nearly the greater part of the fertile lands of the Floridas being in this state, being desirous of contributing, on his part, to promote population, a matter so advantageous to the general good, he solicited from the magnanimous heart of the King, that he should be pleased to grant to him the uncultivated lands not previously conveyed in East Florida, situated between the banks of the rivers Santa Lucia and San Juan, as far as their mouths, and other boundaries, is set forth in the aforesaid petition, to which his Majesty was pleased to accede in every respect, by a royal order of the 17th of December of the same year; and in consequence thereof his excellency the Duke of Alagon, the appearer, being absolutely prevented by the weighty and urgent occupations committed to his care near the royal person of his Majesty, from going personally to take possession—to take charge of, administer, govern, and direct said lands, and to give the necessary orders and directions fully to carry out into effect the intention of his Majesty, clearly manifested in the aforesaid royal order, he determined to commit this important trust to a person of his entire satisfaction and confidence; and as these qualifications are found in Don Nicolas Garrido, at that time residing in this court, on that account, and considering his probity and great knowledge, he gave him full power, and the proper orders and instructions, in order that, in the name of his excellency, and representing his person, rights, and actions, he might take possession in due form of the aforesaid lands, which the King our lord was pleased to grant him in full property, for himself and his heirs; in consequence whereof he effected such taking of possession on the 27th of June, 1818, as all the aforesaid more fully appears from the authenticated copy, which, for the great validity of this instrument is herein inserted, and the tenor whereof is as follows:

2156.

Certified copy.

I, Don Ramon Lorenzo Calvo, clerk of the council of the King, our lord, in the royal and supreme council of war, of the corps and forces of the royal house and its privileged tribunal, notary of the kingdoms and of the illustrious college of this court, &c., do certify, that his excellency the Duke of Alagon, grandee of Spain of the first class, captain commandant, inspector and superior chief of the royal corps of body guards of the King, has presented to me, in order to make an authentic copy thereof, the petition herein inserted, and the tenor thereof, together with that of the royal order by which his Majesty was pleased to grant the prayer contained in said petition, is as follows:

Petition.

SIRE: The Duke of Alagon, Baron of Spes, captain of the guards of the royal person of your Majesty, with the greatest respect sets forth, that it being the interest of the crown to grant to great capitalists the uncultivated lands in order that they may be peopled and cultivated, whence great advantages arise, which are fully demonstrated and recommended by all political writers; and many or nearly the greatest part of the fertile soil of the Floridas being in such uncultivated state, and your Majesty having the right, as absolute proprietor, of distributing those lands for the benefit of agriculture, and by way of reward and remuneration for important services rendered to the advantage of your Majesty, and of your whole kingdom; being anxious to obtain this mark of consideration from the magnanimous heart of your Majesty, and of contributing on his part to promote population, an object of so great importance to the public welfare, prays your Majesty to be pleased to grant to him the uncultivated lands not before granted in East Florida, situated between the banks of the rivers Santa Lucia and San Juan, as far as their mouths at the sea, and the coast of the gulf of Florida and the adjacent islands, with the mouth of the river Hijuelos by the 26th degree of latitude, and along the left bank of said river up to its source, drawing a line to the lake Macaco, thence descending by the way of the river San Juan to lake Valdes, and drawing another line from the northernmost part of said lake to the source of the river Amarrima, thence following the right bank of said river to its mouth by the 28th or 25th of * [degrees of latitude,] and going along the coast of the sea, with all its adjacent islands, to the mouth of the river Hijuelos, in full property for himself and his heirs, the fourth part being left for the benefit of the royal canal Manzanares, and permitting the introduction of negroes free of duty to work and cultivate said lands, a favor which he hopes to merit from the inate benevolence of your Majesty, whose precious life may God preserve many years, as he prays.

SIRE: At the royal feet of your Majesty, &c.

THE DUKE OF ALAGON, BARON OF SPES.

MADRID, July 12, 1817.

Royal order.

EXCELLENT SIR: The King, our lord, considering the distinguished merits and services of your excellency, and what you have set forth in your petition of the 12th July last, concerning the advantages which must result to the State from granting to your excellency in full property for yourself and your heirs, the territories in East Florida described by your excellency in said petition, his Majesty has been pleased to accede to this request, so far as it may not be opposed to the laws; all which, by his royal order, has been communicated to the governor of the council of the Indies for the requisite purposes, and by like order of his Majesty I communicate the same to your excellency for your information, satisfaction, and government. God preserve your excellency many years.

Palace, December 17, 1817.

JOSE PIZZARRO.

His grace the DUKE OF ALAGON.

I likewise certify, that his excellency presented to me, for the same purpose, an authenticated copy, given, marked, and signed, dated in the city of St. Augustine, of Florida, on the 27th day of June, 1818, by the notary of the government and royal exchequer, Juan de Entralgo, in which is inserted the following act of possession:

Act of possession.

In the city of St. Augustine, of Florida, the 27th day of June, 1818, Don Jose Coppinger, colonel of the royal armies, civil and military governor, and sub-delegate of the royal exchequer in this place, its province, by virtue of what is ordered in the foregoing decree, and before me, the undersigned, notary of the government of the royal exchequer, gave to Don Nicolas Garrido, residing in this place, the attorney for his excellency the Duke of Alagon, Baron of Spes, grandee of Spain of the first class, and captain of the guards of the royal person of his Majesty, without prejudice to the rights of a third party with better title, the possession, real, actual, corporeal, vel quasi, in due form, of all the uncultivated lands not before granted in all East Florida, situated between the banks of the rivers San Lucia and San Juan, as far as their mouths at the sea, and the coast of the Gulf of Florida, and the adjacent islands, with the mouth of the river Hijuelos, by the 26th degree of latitude; thence following its left bank as far as its source; thence drawing a line to the lake Macaco; thence coming down by the way of the river San Juan as far as the lake Valdes; then drawing another line from the northermost part of this lake as far as the source of the river Amarrima; then following the right bank as far as its mouth by the 28th or 25th latitude, and going along the coast of the sea, with all its adjacent islands, as far as the mouth of the river Hijuelos, which possession was given by going for

that purpose to the island of San Matio, and upon its territory immediately adjoining the sea, those and the coast of the sea, in the name of all the other lands aforesaid contained within the above named boundaries; and as proof of actual possession, his excellency led by the hand the aforesaid Don Nicolas Garrido, in the name of his excellency the Duke of Alagon, Baron of Spes, who walked about the aforesaid island, pulled up herbs, scattered handsful of earth, and did other acts of possession without opposition from any person, and his excellency protected and defended him in such possession, and he imposed the penalty of fifty thousand maravedis to be paid to the royal council, on whomsoever should disturb him in such possession without first establishing his right in court, and for his protection he asked for a certificate of his having taken such possession quietly and peacefully, which his excellency ordered should be issued to him with all other certificates which he might require, and he signed with the aforesaid Don Nicolas Garrido; the witnesses being Don Manuel Tuertes, Don Louis Fleming, and Don *Don* Juan Mastre, residents of this city, which I certify.

JOSE COPPINGER,
NICOLAS GARRIDO.

Before me,

JUAN DE ENTRALGO,
Notary of the government and of the royal exchequer.

It agrees with their originals which I returned to his excellency the Duke of Alagon aforesaid, for which he signs as receipt, which I certify and to which I refer; and in testimony thereof, whenever it may avail, at his request I issue these presents, which I mark and sign at Madrid, the 17th day of May, 1819.

I have received the originals.

P. ALAGON.

A mark.

ROMAN LORENZO CALVO.

It agrees with its original, which remains united and incorporated with the original record of this instrument, which I certify, and to which I refer. And in consequence thereof, his excellency being desirous that the aforesaid Don Nicolas Garrido may not be in want of any authority, or of the power which may be required to carry into effect all that he has communicated to him upon this matter, and its incidents which may occur, has determined to give him the most ample, general, and unlimited power, and carrying his intention into effect by these presents, in the manner and form most valid at law, being informed of his rights in the premises, he gives and confers the most ample, general, and unlimited power, and whatever he may require, to the same Don Nicolas Garrido, in order that, in the name of his excellency, and representing his person, rights, and actions, he may take the necessary measures to effect as speedily as possible the opening and cleaning of the sites and places which he shall deem

most fit for settlements; endeavoring to promote progressively the increase of the same, the building of houses, and introduction of mechanic trades, from which his excellency will derive the most full and complete satisfaction, as he entirely participates in the just and *write* views of the King, our lord; and he shall proceed afterwards, not only to introduce the necessary number of negroes, but also to effect sales, and alienate such parts of the above mentioned lands as he may think proper, to such person or persons, companies, corporations, or bodies as he may think fit, for such sums, payable in such manner and form, as he may deem most useful and advantageous to the rights of his excellency; executing for this purpose, and all other cases which may occur in the premises, such deeds and suitable instruments, with such clauses, stipulations, conditions, requisites, and circumstances, as he shall judge most proper, which his excellency from henceforth approves in the same manner as if they had been made, executed, and agreed upon by himself if personally present, in consequence of the great confidence and trust which he reposes in Don Nicolas Garrido, who is to act in every respect according to the usages and customs of the country, and to the instructions, which conformable to them and to the royal order of 17th of December, 1817, herein inserted, shall be communicated by his excellency in his missive letters, the which shall have the same force and validity as if expressly and specially contained in this power; and he likewise authorizes him to substitute this power, on his account and risk, in one or more persons, for the only purpose or object of administering and settling the aforesaid lands, to revoke substitutes and appoint new ones; authorizing him, likewise, to demand and examine all accounts from the person or persons, companies, bodies, councils, corporations, and others whom it may concern, charging them whatever in his opinion they ought to be charged with, simply approving said accounts whenever he shall find them just, and when otherwise to make the proper objection to them, which he will support until such objection shall be removed, appointing in the proper case one or more accomptants, and an umpire in case of dissension, or judicially in case of contumacy; giving receipts for all sums that he shall receive, letters of payment, discharges, releases, and other vouchers which may be required of him, with a certificate of the delivery of the money, or renouncing the laws in relation thereto; compromising with all persons, bodies, or corporations all cases and matters which may occur, submitting them respectively to judges, arbiters, arbitrators, and friendly adjusters, causing the opposite parties to do the same, and binding himself to abide by and submit to their awards, judgments, and decisions; and finally, his excellency gives him power and authority, if required in and about the premises, to proceed at law, to appear in all courts and tribunals, superior and inferior, ecclesiastical, secular, and military, as may be required, making and presenting petitions, memorials, remonstrances, requisitions, citations, oppositions, witnesses' instruments, objections, contradictions, demands, answers, protests, oaths, challenges, in or

out of proof, to make and present whatever proofs he may deem proper; to ask executions, arrests, discharges, services, and releases of property, the sale thereof at auction or otherwise, with possession and assistance; to hear decrees and sentences interlocutory and final, to assent to such as are favorable, and to appeal and petition from those which are adverse, before whom it may be lawful, prosecuting such appeals and petitions in all instances and in all courts, and to obtain royal provisions, orders, and all kinds of despatches, which he will cause to be carried into full and due execution, doing and performing in the name of his excellency all other acts, steps, and proceedings, which shall be required, judicially or extra judicially, and which his excellency the Duke might do himself if personally present; it being his express wish that the said Don Nicolas Garrido shall not, by reason of the want of any authority whatever, although it be not herein expressed, fail to carry into effect whatever he shall attempt, agree, and stipulate in the premises, his excellency approving from this time whatever shall be done, in the same manner as if performed by himself, giving and conferring for this purpose to his attorney the most ample, general, and special power, with all its incidents, dependencies, and other matters relating thereto, with free, full, and general administration, releasing him from all liability, and binding himself according to law to ratify whatever shall be done by virtue of these presents, subjecting himself to the jurisdiction of the competent justices, renouncing the laws in his favor, including the general law, in due form. It was thus declared, executed, and signed by his excellency, whom I certify I know, the witnesses being Don Vincente Murillo, Don Lorenzo Linares, and Don Hilarion de Beroza, inhabitants and resiidents of this court.

P. THE DUKE OF ALAGON,
Baron of Spes.

Before me,

ROMAN LORENZO CALVO.

Note.

I certify that on the same day I gave two copies alike on paper of the second seal, and seals intermediate to the fourth, of forty maravedies.

CALVO.

Another.

I likewise certify that with date of this day two other copies were issued similar to the former one and on like paper.

Madrid, June 17th, 1819.

CALVO.

And finally I certify and attest, that on the 29th day of May, of

the aforesaid year 1819, before me, the undersigned notary, and the requisite number of witnesses, his excellency the aforesaid Don Francisco Ramon de Spes, Fernando de Cordova y Alagon, Duke of Alagon, executed the deed of conveyance and donation of certain lands situated in East Florida, belonging to him in consequence of a gift and donation made in his favor by his Majesty, Ferdinand the 7th, (now deceased,) to Mr. Richard S. Hackley, domiciled in Richmond, Virginia, in the United States of America, which *which* deed is in the following words:

Deed of conveyance.

In the city of Madrid, on the 29th of May, 1819, before me, the clerk of the council and public notary of these kingdoms, and before the witnesses hereafter named, his excellency, Don Francisco Ramon de Spes, Ferdandez de Cordova y Alagon, Glemies de Brabante, Alagon, Baron Martinez de Luna, Mancayo, Palafox, Herrera, Roxas and Guzman, Herrera, &c., Duke of Alagon, Baron de Spes, and Alfajarian, Count of Castel Florido, grandee of Spain of the first class, great cross of the royal and distinguished Spanish order of Charles the Third, and of the military orders of St. Hermengildo and Montesa, protector of the royal canal of Manzanares, gentleman of the chamber of his Majesty in exercise, lieutenant general of his royal armies, and captain commander, inspector and superior chief of the royal body guards of the King, declared: That, by a royal order, dated the 17th December, 1817, and in consideration of his distinguished merit and services, the King, our lord, deigned to grant him the uncultivated territory which had not before been granted in East Florida, situated and lying between the banks of the rivers Santa Lucia and San Juan, as far as their mouths at the sea, and the coast of the gulf of Florida, and adjacent thereto, as far as the mouth of the Hijuelos, situated in latitude 26 degrees, following along the left bank of said river last mentioned to the source thereof; thence drawing a line to the lake Murraco; thence, coming down by the way of the river San Juan, to the lake Valdes; thence, drawing another line from the northernmost part of this lake, to the source of the river Amirina, and following the right bank of the said river to its mouth by the 28 degree and 25 minutes of latitude; and continuing thence, along the coast of the sea with all its adjacent islands, to the mouth of the river Hijuelos; which grant of said lands was in full property for himself and his heirs, with authority and permission to introduce negroes for the cultivation and working of the lands, free of duty; his Majesty bearing in mind, while granting this favor, how important it was to the nation that the uncultivated lands should be given to great capitalists, to the end that the same may be peopled and cultivated, which was the principal object of the King, he knowing the important advantages arising therefrom. That as soon as his excellency, the Duke, the appearer, accepted said grant, he commenced treating, and did treat

extensively, with Mr. Richard S. Hackley, a resident of Richmond, in the United States of America, at present being in this court, both as to the means, manner, and form of effecting the opening and clearing of a part of said lands, so as to undertake afterwards the building of houses, and the consequent promotion of population, as also in relation to the importation of negroes, which was necessary for the purpose, and which required heavy disbursements of money; upon which matter said Mr. Richard S. Hackley, under the denomination of Richard S. Hackley and company, presented a paper of conditions, under certain bonds, dated 1st January, 1818; and although both parties were agreed as to the greater part of such conditions, still the case had not arrived for drawing the treaty and understanding in the form of a public instrument; and therefore matters remained thus, and without prejudice to the parties, continuing, as they did continue, to confer upon the matter, with the plausible object to carry into effect in part, as speedily as possible, the just and beneficent intentions of his Majesty, his excellency, the Duke, the appearer, animated by the same sentiments, under date of 27th February, of said year of 1818, and before me, the undersigned, gave his ample and unlimited power of attorney to Don Nicolas Garrido, then residing in this court, to repair to those territories, take possession of the aforesaid lands granted by his Majesty, and to administer and govern the same as he might deem best; granting to him for that purpose, and other cases which might occur, a most ample power; and the aforesaid Don Nicolas Garrido having actually gone to the city of St. Augustine, of Florida, and having exhibited the power of attorney of his excellency to him, Don Jose Coppinger, colonel of the royal armies, civil and military governor, and sub-delegate of the royal exchequer, in said city and its province, gave him possession, real, corporeal, vel quasi, and in due form, of the said lands, of which a competent proceeding was drawn up before the notary of that government and royal exchequer, with date of 27th June, of the aforesaid year of 1818, and the corresponding copy thereof was given to him; that his excellency, the Duke, the appearer, and said Mr. Richard S. Hackley, for himself, and in the name of his company, having continued constantly to confer upon the adjustment and settlement of the forms embraced in the plan dated 1st January, 1818, after various discussions, his excellency bearing in mind the particular qualifications and great information in relation to the matter in question which are found in the said Richard S. Hackley, the parties have agreed, setting aside the principles of said plan or paper of written conditions, that his excellency shall grant a portion of the aforesaid lands to Mr. Richard S. Hackley and company, and carrying such agreement into execution by these presents, in the manner and form most valid at law, his excellency, being well informed of his rights in the premises, grants, renounces, and assigns, makes transfer and donation, pure, perfect, and irrevocable, intervenes, for ever, for himself and in the name of his children, heirs and successors, to the aforesaid Mr. Richard S. Hackley and company, residing in Richmond, in the United States of America,

(of all the lands included from the mouth of the river Amarrima, along its right bank, up to the source thereof; then drawing a straight line to the river San Juan; and then going up along the left bank of the same river up to the lake Macaco; and from the southern point of this lake drawing a straight line to the source of the river Hijuelos; then descending along its right bank to the mouth at the sea; then continuing along the coast with its adjacent islands) up to the mouth of the river Amarrima; which lands are a part of those included in the grant made to his excellency, by the King, our lord, by the royal order of the 17th of December, 1817; his excellency, the Duke, reserving to himself in full dominion and property, all other places and lands not herein expressly determined or granted by this instrument. His excellency at the same time assuring that the grant which he has made to said Mr. Richard Hackley and company, is of his own free and spontaneous will, for himself, his children, heirs, and successors, or those who may lawfully represent them, in consideration of the advantage which he promises to himself, and which can be secured from the manner and form of effecting the opening, clearing, and settling of the lands, an object so interesting to our government, and which the aforesaid Richard S. Hackley and company have offered immediately to carry into effect, in conformity with the aforesaid plan of conditions of the 1st of January, 1818; said grant being understood to be with all the rights of egress and ingress, usages, customs, rights, and services enjoyed up to the present time, and which in fact and by law appertain or may appertain to his excellency, so that Mr. Richard S. Hackley and company may dispose of the same as of a thing acquired by just title, as is the case by this instrument. His excellency like wise allowing that the aforesaid lands by him granted to Mr. Richard S. Hackley and company, lawfully belong to him for the causes and reasons set forth, and that he has not in any manner granted, sold, or alienated the whole or any part thereof to any other person, and that they are not subject or chargeable to or with any charge or incumbrance respecting which his excellency has not the least idea. And for the observance and fulfilment of all, his excellency binds all his property, income present and future; he gives full power to the competent justices and judges to whose jurisdiction jointly and severally he submits; he renounces in due form all his own privilege, domicil, jurisdiction and residence, the laws, privileges, and rights in his favor, together with the general law or subject. It was thus declared, executed, and signed by his excellency, whom I, the undersigned, certify to know, the witnesses being Don Vincente Murillo y Monte, Don Jose Blanco, and Don Tomas Lopez, inhabitants and residents of this court.

P. The DUKE OF ALEGON,
Baron of Spes.

Before me— ROMAN LORENZO CALVO.

Note. I certify, that on the same day I gave as copy to his excellency, on paper of the first seal, and the intermediate ones of the fourth principal.

CALVO.

Other. I likewise gave another copy on similar paper to the party, Mr. Richard S. Hackley. CALVO.

It agrees literally with its originals, which remain in the records of public instruments executed before me, the undersigned, as a notary of the kingdoms and member of the illustrious college of this court, in the aforesaid years 1818 and 1819, which I certify, and to which I refer.

I likewise certify, that the originals remain in my possession, and in testimony thereof whenever it may avail by virtue of the order, I issue these presents, which I mark and sign at Madrid, the 27th of November, 1847; the word "cosa" corrected is valid.

Flourish. ROMAN LORENZO CALVO.

Authentication.

We, the notaries of her Majesty and of the illustrious college of this court, who mark and sign these presents, do certify, that Don Roman Lorenzo Calvo, by whom the foregoing copy is issued, marked and signed, is as he entitles himself secretary of her Majesty, her clerk of the council, notary of the kingdoms, and member of the said illustrious college; that he is faithful, lawful, and entitled to full confidence, and that the mark and signature placed at the foot of said copy are in his handwriting, and the same as are used by him in all his instruments, to which always full faith and credit, judicially and extra judicially, have been and are given, and in testimony thereof we issue these presents, sealed with the seal of our college of Madrid, the 29th November, 1847.

[L. S.] MANUEL LOPEZ PINIAL,
RAMON ALEGON ESPINOSA,
JUSTO MORAYTO.

I, Don Miguel Maria Duran, honorary magistrate of the territorial of Grenada, and judge of first instance of this city of Madrid, &c., do certify, that the three notaries by whom the foregoing instrument is certified, are such as they entitle themselves; that they are lawfully entitled to confidence; for which reasons their certificate similar to the foregoing have always received full faith and credit in and out of court; and in testimony thereof I issued these presents, which I sign at Madrid, the 1st December, 1847.

MIGUEL MARIA DURAN.

Fees, twenty-six rials.

I, Don Jose Francisco Morejon, regent of the territorial audience of Madrid, do certify, that Don Miguel Maria Duran, by whom the foregoing certificate is issued and signed, is as he entitles himself judge of first instance of this capital, and that the signature and mark at the end thereof appears to be in his handwriting; Madrid, December the 2d, 1847.

JOSE F. MOREJON.

I, Don Lorenzo Arrazola, knight of the great cross of Isabella the catholic, minister of grace and justice, chief notary of the kingdom, &c., &c., do certify, that Don Jose Francisco Morejon, by whom the foregoing document is authenticated, as he entitles himself regent of the territorial audience of this court, and that the signature at the end thereof appears to be in his handwriting; and in testimony thereof I sign these presents, in Madrid, December 6th, 1847.

LORENZO ARRAZOLA.

I, Don Antonio Caballero, under secretary of the department of state, do certify, that Don Lorenzo Arrazola, by whom the foregoing instrument is authenticated, is as he entitles himself minister of grace and justice, and chief notary of the kingdom, and that the signature and mark at the foot thereof appear to be in his handwriting, and in testimony thereof I sign these presents, at Madrid, the 7th of December, 1847.

ANTONIO CABALLERO.

I, the undersigned, envoy extraordinary and minister plenipotentiary of the United States to Spain, hereby certify, that the above is the usual signature of Don Antonio Caballero, and that he is her catholic Majesty's sub-secretary of state.

In witness whereof I hereunto subscribe my name, and affix the seal of this *legislation*, at Madrid, this tenth day of December, anno domini 1847.

[SEAL.] R. *R.* SAUNDERS.

Gratis.

STATE OF NEW YORK,
City and county of New York, ss.

I, John Purroy, counsellor at law, do hereby certify, that the foregoing is a true translation of the original Spanish document, hereto annexed, carefully made by me.

In witness whereof I hereto set my hand this 28th November, 1848.

J. B. PURROY.

No. 11, Wall street.

State, city, and county of New York.

John B. Purroy, of the city of New York, counsellor at law, being duly sworn according to law, doth on his oath depose and say: That he is acquainted with the Spanish language, and has translated the annexed Spanish documents, and has affixed a true copy of the same in English; and that the said translation hereto annexed (in English) are true translations of the said Spanish documents (annexed.)

J. B. PURROY.

Subscribed and sworn to this 28th day of November, 1848.

WILLIAM H. MAXWELL,
Florida commissioner, New York.

STATE OF NEW YORK,
City and county of New York, ss.

By this public instrument be it known, to all whom it may concern, that I, William H. Maxwell, commissioner, in and for the State of New York, duly commissioned by the Governor of the State of Florida, (by virtue of an act of the legislature of the said Territory, entitled "an act to authorize the appointment of commissioners, &c., passed January 24th, 1831," and therein and thereby authorized and empowered "to take the acknowledgment of any deed, contract, letter of attorney, mortgage, or conveyance of any lands, tenements or hereditaments, lying or being in the Territory of Florida, or any other writing, under seal, to be used in said Territory, with full power and authority to administer oaths and affirmations, take depositions, &c., do hereby certify, that on the 28th day of November, 1848, before me appeared John B. Purroy, counsellor at law, and being duly sworn according to law, did depose and say, that the facts and circumstances mentioned and contained in the annexed deposition subscribed by him, are in all respects just and true.

In testimony whereof I have hereunto set my hand and seal the day and year above written.

WM. H. MAXWELL,
Florida commissioner.

I do hereby certify, that the foregoing is a correct translation, as reviewed and corrected, (with the exception of the two last certificates of R. M. Saunders, minister s. c. q. the United States, and P. P. Dumas, clerk C. C. of St. John's county, which are written in English and attached to the original Spanish document; as also the certificate of J. B. Purroy and Wm. H. Maxwell, commissioners, annexed to the translation,) of the document hereto annexed.

JOHN M. FONTANE,
Translator.

G.

Document G, offered in evidence by plaintiff, and purporting to be a notarial copy of a conveyance from the Duke of Alagon to Richard S. Hackley, dated 29th May, 1819.

[SEAL.] [SEAL.]

En la villa de Madrid, á veinte y nueve de Mayo de mil ochocientos diez y nueve, anti mi, el escrivano de camara, notario de los reynos y testigos, que se diran el ex'mo Sr. Don Francisco Roman de Spes, Fernandez de Cordava y Alagon, Glemies de Brabante, Aragon, Baron Martinez de Luna, Moncayo, Palafox, Herrera, Roxas y Guzman, Herrera, etc., Duke de Alagon, Baron de Spes y Alfajarin, Conde de Castelflorido, Grande de España de primera clase, gran cruz de la real y distinguido orden Española de Carlos tercero, y de la militar de San

Hermenegildo y Mantesa, protector de real canal de Manzanares, gentilhombre de camara de S. M. con exercicio, teniente general de sus reales exercitos, y capitan comandante, inspector y gefe superior del real cuerpo de guardias de la persona del rey, dixo, que por real orden su fecha diez y siete de Diciembre, de mil ochocientos diez y siete, y en consideracion á su distinguido merito y servicios, se digno el rey, nuestro señor, cederle el terreno inculto que no se hallaba cedido en la Florida Oriental, situado entre las margenes de los rios Santa Lucia y San Juan, hasta sus embocaduras en el mar, y la costa del golfo de la Florida é islas adjacentes, en la embocadura del rio Hijuelos, por el grado veinte y seis de latitud, siguiendo su orilla isquierda hasta su nacimiento, tirando una linea á la laguna Macaco, bajando luego por el camino del rio San Juan, hasta la laguna Valdes, contando por otra linea desde el extremo norte de esta laguna hasta el nacimiento del rio Amarrima, siguiendo la orilla derecha hasta su embocadura por los veinte y ocho grados y veinte y cinco minutos de latitud, y continuando por la costa del mar, con todas sus yslas adjacentes, hasta la embocadura del rio Hijuelos, cuya cesion de dichos terrenos fue en plena propiedad para si y sus herederos, con la facultad y permiso de poder introducir de negros, para el cultivo y trabajo de las tierras, libre de derechos, teniendo presente S. M. al conceder dicha gracia quan interesante hega á la nacion que se dieser á grandes capitalistas los terrenos incultos, con el fin de que se poblasen y cultivasen, que era el principal objeto del rey por conocer las considerables ventajas que en ello resultaban: Que tan luego como acepto dicha cesion el ex'mo Señor Duque compareciente empezo á conferenciar y conferencio largamente con Don Ricardo S. Hackley, vecino de Richmond, en los Estados Unidos de America, residente en esta corte, asi en razon de los medios modo y forma de realisar el desmonte y limpia de parte de dichos terrenos, para en seguida emprender la edificacion de edificios, y consiguiente poblacion, como sobre la introduccion de los negros qual para ello se hacia indispensable, y quantiosos desembolsos que habia que hacer sobre lo qual el Don Ricardo S. Hackley, vajo la denominacion de Ricardo S. Hackley y compania, presentó un pliego de condiciones vajo de ciertas vases, con fecha primero de Enero de mil ochocientos diez y ocho, y aunque en la mayor parte esteban conformes y convenidos no llego el caso que de ello se elevase por entonces á escritura publica, dicho tratado y convenio, y por lo mismo asi las cosas y sin perjuicio de continuar como continuaron, conferenciando sobre ello con el plausible objeto de que á la mayor posible brevedad, tubiesen en parte las justas y veneficas intenciones de S. M., su devido cumplimiento el ex'mo Señor Duque compareciente animado de los mismos sentimientos, con fecha de veinte y siete de Febrero, de dicho año de mil ochocientos diez y ocho, y por ante mi, el infrascripto, confirio sus amplios é ilimitados poderes á Don Nicolas Garrido, residente en aquella epoca en esta corte, para que constituyendose en aquellos dominios, tomase y aprendiese posesion de los referidos terrenos cedidos por S. M., los que administrarse sigiese y governan en los terminos que

mejor le pareciese, confiriendole para ello y demos casos y casas, que pudiesen ocurrir, las facultades mas amplias, y constituido efectivamente el citado Don Nicolas Garrido en la ciudad de St. Agustin de la Florida, y hecho presente los poderes de S. E. con que estaba revestido y autorizado se le dio la posesion real corporal vel guasi, y en forma, de dichos terrenos por el Señor Don Josef Coppinger, coronel de los reales ejercitos, governador politico y militar, y subdelegado de real hacienda en dicha plaza y su provincia, de que estendio la competente acta por ante el escrivano, de aquel govierno y real hacienda con fecha veinte y siete de Junio del referido año de mil ochocientos diez y ocho, y dado de ello el oportuno testimonio; que habiendo continuado constantemente conferenciando entre si, el ex'mo Señor Duque compareciente, y el Don Ricardo S. Hackley, por si y á nombre de su compañia, sobre la abenencia y convenio de las vases, sobre que vasda el plan de fecha de primero de Enero de mil ochocientos diez y ocho, despues de varias discusiones, teniendo presente S. E. las particulares, circunstancias y vastos conocimentos en la materia, de que se trata que concurren en dicho Don Ricardo S. Hackley, han convenido partiendo de dicho plan ó pliego de condiciones en que S. E. ceda parte de los nominados terrenos al Don Ricardo S. Hackley y compañia, y poniendole en ejecucion por la presente en la via y forma, que mas haya lugar en derecho ciertem seguro y savedor S. E., del que en este caso le compete, otorga que cede, renuncia y traspasa hace gracia y donacion, para perfecta é irrevocable, entre vivos, para que siempre jamas, por si y á nombre des sus hijos, herederos, y subcesores, á favor del nominado Don Ricardo S. Hackley y compañia, domiciliado en Richmond, en los Estados Unidos de America, todo el terreno que esta comprendido desde la embocadura del rio Amarrima por su orilla derecha hasta las fuentes de este rio, tirando una linea al rio San Juan, y saviendo por la isquierda de este mismo rio hasta la laguna Macaco, y desde la punta del sur de esta laguna, tirando una linea recta á las fuentes del rio Hijuelos, vajando por su orilla derecha hasta la embocadura del mar, continuando por la costa con sus yslas adjacentes hasta la embocadura del rio Amarrima ; cuyos terrenos son de los comprendidos en la gracia de cesion hecha á S. E. por el Rey, nuestro señor, por la real orden de diez y siete de Dic're de mil ochocientos diez y siete, reservandose en si el ex'mo señor Duque, otorgante en todo dominio y propriedad, todos los demas puntos y terrenos, que aqui no ban espresamiente determinados ni cedidos por este instrumento ; asegurando al proprio tiempo S. E. que la cesion que deja hecha al nominado Don Ricardo S. Hackley y compañia, és de su libre y espontanea voluntad, para si, sus hijos, herederos, ó subcesores, ó quien legitimamente les represente en consideracion á las ventajas que se promete y puede sacarse en el modo y forma de realizarse la limpia desmonte y poblacion punto que tanto interesa á nuestro govierno, y que ha ofrecido realizar incontinente el citado D. Ricardo S. Hackley y compañia, conforme al citado plan de condiciones de primero de Enero de mil ochocientos diez y ocho, entendiendose la referida cesion con todos las entradas y salidas de los

terrenos, usos, costumbres, derechos, y servidumbres, que hasta ahora ha tenido, y de hecho y por derecho le pertenecen y pueden corresponder á S. E. para que el D. Ricardo S. Hackley y compañia, disponga de ello como de cosa suya adquirida por justo titulo, como lo és esta escritura, asegurando asi mismo S. E. que por las causas y razones sentadas le pertenecen legitamamente los espresados terrenos que lleva cedidos al D. Ricardo S. Hackley y compañia, y que de modo alguno los tiene cedidos vendidos y enagenados todo ni parte á ninguna otra persona, ni menos estan sujetos ni responsibles á ninguna carga ni gravamen ; sobre lo qual no tiene S. E. la menos idea. Y á la observancia y cumplimiento de todo obligo S. E. todos sus bienes y rentas habidos y por haber dar poder cumplido á las justicias y jueces competentes ó cuyo fuero y jurisdiccion, y al de cada uno in solidum se samete renuncia el suyo proprio domicilio, jurisdiccion y vecindad, leyes, fueros, y derechos de su favor, con la que prohive la general ellas en forma ; y asi lo dijo otorgo y firmo S. E., á quien yo, el infrascripto, doy fé, conosco siendo testigos Don Vicente Murillo y Monte, D. Josef Blanco, y D. Tomas Lopez, vecinos y residentes en esta corte.

P. EL DUQUE DE ALAGON, *Baron de Spes.*

Ante mi, ROMAN LORENZO CALVO.

Yo, Dn. Roman Lorenzo Calvo, ex'mo de camara del Rey, nuestro señor, en el real y supremo consejo de la guerra, y de los cuerpos y tropas de casa real, y su jusgado privativo notario de los reynos, é individuo del ille. colegio de esta corte, presente fuy á su otorgamiento, y en fé de ello lo signo y firmo dicho dia en pliego del sello primero é intermediado del quanto de á quarenta mar. en el que quida el registro protocolo, con la nota de esta saca.

Esta signado, ROMAN LORENZO CALVO.

Concuerda con su original que á este efecto me fue exivido por el ex'mo Señor Duque de Alagon á quien lo devolvi y firmo su recivo de que doy fé, y á que me remito, y para que conste donde convenga á su instancia. Yo, el infrascripto, secretario del Rey, no. señor, ex'mo de camara, notario de los reynos, é individuo del ille. colegio de esta corte, pongo el presente, que signo y firmo en Madrid, á diez de Febrero, de mil ochocientos veinte y quatro.

Rme. le original, [signed] p. el Duque de Alagon, Baron de Spes.
(Flourish)

Dupli'o. RAMON LORENZO CALVO.

Legaliz'n. Los escribanos del Rey, N. S., y del ylustre colegio de esta corte, que aqui signamos, y firmamos certificamos y damos fée, que Don Roman Lorenzo Calvo, por quien esta autorizado el anterior documento, és tal secretario del Rey, su escribano de camara, del consejo supremo de la guerra, notario de los reynos é yndividuo del ilustre colegio de esta corte, como se titula y nombra fiel, legal y de toda confianza, y por lo mismo á quantos instrumentos autoriza y firma

siempre les ha dado y da entera fée y' credito judicial y extrajudicialmente; y para que conste donde convenga á su instancia damos el presente, sellado con el de dicho colegio en Madrid, fecha ut supra.

Flourish. Flourish. Flourish.

JOSE CANILLO ALBORNOZ,
JOSE DE PENA Y MAMEDAR,
VICENTE GOMEZ.

(Seal of the Notarial College.)

D. Miguel Garcia Correjo, ministro honorario de la rl. audiencia, y teniente corregidor de esta muy heroica villa de Madrid, certifico, que Dn. Jose Canillo Albornoz, D. Jose Peña y Alameda, y D. Vicente Gomez, por quienes esta signada y firmada la precedente legalizacion con notarios escribanos reales del ylustre colegio de esta corte, y se hallan en el uso y ejercicio de su oficio, y para que conste lo firmo en dha. villa y corte á Madrid, á 12 de Agosto, de 1835.

MIGUEL GARCIA CORREJO.

Don Manuel Garcia Herreros, procer del reyno del consejo de estado, notario mayor de los reynos, y secretario de estado y del despacho universal de gracia y justicia de España é Yndias, &c., &c., certifico, que Dn. Miguel Garcia Cornejo, por quien esta autorizado el anterior documento és tal teniente de corregidor de la villa y corte de Madrid, como se titula y de su puno la firmo que pone. Y para que conste doy el presente en Madrid á trece de Agosto, de mil ochocientos treinta y cinco.

ML. GARCIA HERREROS.

Don Jose Maria Lucipo de Llano, conde de Toreno, presidente del consejo de nuestro primer secretario de estado y del despacho, &c., &c., &c., certifico, que lo firmo que antecede és de Don Manuel Garcia Herreros, secretario de estado y del despacho universal de gracia y justicia de España é Yndias, y para que conste firmo el presente en San Ildefonso, á diez y ocho de Agosto, de mil ochocientos treinta y cinco.

[SELLO.] EL CONDE DE TORENO.

LEGATION OF THE UNITED STATES,
Madrid, August 18, 1835.

I, the undersigned, Cornelius P. Van Ness, minister plenipotentiary of the United States, near her Catholic Majesty, do hereby certify, that the Count of Toreno is the first or principal secretary of state of her catholic Majesty, and as such the minister of foreign affairs, and that the signature of his name to the foregoing certificate is in his own handwriting, and the seal thereto affixed is the seal of his department.

[SEAL.] In witness whereof I hereunto affix my signature, together with the seal of this legation.

(Signed) C. P. VAN NESS.

Translation of plaintiff's document, G.

In the city of Madrid, on the 29th of May, 1819, before me, the clerk of council and public notary of these kingdoms, and before the witnesses hereafter named, his excellency, Don Francisco Ramon de Spes, Fernando de Cordova y Alagon, Glemies de Brabante, Alagon, Baron Martinez de Luna, Mancayo, Palafox, Herrera, Roxas and Guzman, Herrera, &c., Duke of Alagon, Baron de Spes, and Alfajarian, Count of Castel Florido, grandee of Spain of the first class, grand cross of the royal and distinguished Spanish order of Charles the 3d, and of the military orders of St. Hermengildo and Montesa, protector of the royal canal of Manganares, gentleman of the chamber of his Majesty in exercise, lieutenant general of his royal armies, and captain commander, inspector and superior chief of the royal body guards of the King, declares: That, by a royal order, dated the 17th December, 1817, and in consideration of his distinguished merit and services, the King, our lord, deigned to grant to him the uncultivated territory which had not before been granted in East Florida, situated and lying between the banks of the rivers Santa Lucia and San Juan, as far as their mouths at the sea, and the coast of the gulf of Florida, and islands adjacent thereto, as far as the mouth of the river Hijuelos, situated in latitude 26 degrees, following the left bank of said river last mentioned to the source thereof; thence drawing a line to lake Macaco; thence, coming down by the way of the river San Juan, to lake Valdes; thence, drawing another line from the northernmost part of this lake, to the source of the river Amarrima, and following the right bank of said river to its mouth by the 28 degree and 25 minutes of latitude; and continuing thence, along the coast of the sea, with all its adjacent islands, to the mouth of the river Hijuelos; which grant of said lands was in full property for himself and his heirs, with authority and permission to introduce negroes for the cultivation and working of the lands, free of duty; his Majesty bearing in mind, while granting this favor, how important it was to the nation that the uncultivated lands should be given to great capitalists, to the end that the same may be peopled and cultivated, which was the principal object of the King, he knowing the important advantages arising therefrom. That as soon as his excellency, the Duke, the appearer, accepted said grant, he commenced treating, and did treat extensively, with Mr. Richard S. Hackley, a resident of Richmond, in the United States of America, at present being in this court, both as to the means, manner, and form of effecting the opening and clearing of a part of said lands, so as to undertake afterwards the building of houses, and the consequent promotion of population, as also in relation to the importation of negroes, which was necessary for the purpose, and which required heavy disbursements of money; upon which matter said Mr. Richard S. Hackley, under the denomination of Richard S. Hackley and company, presented a paper of conditions, under certain bases, 1st January, 1818; and although both parties were agreed

as to the greater part of such conditions, still the case had not arrived for drawing the treaty and understanding in the form of a public instrument; and therefore matters remained thus, and without prejudice to the parties, continuing, as they did continue, to confer upon the matter, with the plausible object to carry into effect in part, as speedily as possible, the just and beneficent intentions of his Majesty, his excellency. the Duke, the appearer, animated by the same sentiments, under date of 27th February, of said year of 1818, and before me, the undersigned, gave his ample and unlimited power of attorney to Don Nicolas Garrido, then residing in this court, to repair to those territories, take possession of the aforesaid lands granted by his Majesty, and to administer and govern the same as he might deem best; granting to him for that purpose, and other cases which might occur, the most ample powers; and the aforesaid Don Nicolas Garrido having actually gone to the city of St. Augustine, of Florida, and having exhibited the power of attorney of his excellency to him, Don Jose Coppinger, colonel of the royal armies, civil and military governor, and sub-delegate of the royal exchequer, in said city and its province, gave him the possession, real, corporeal, vel quasi, and in due form, of the said lands, of which a competent proceeding was drawn up before the notary of that government and royal exchequer, with date of 27th June, of the aforesaid year of 1818, and the corresponding copy thereof was given to him; that his excellency, the Duke, and said Mr. Richard S. Hackley, for himself, and in the name of his company, having continued constantly to confer upon the adjustment and settlement of the terms embraced in the plan dated 1st January, 1818, after various discussions, his excellency bearing in mind the particular circumstances and great information in relation to the matter in question which are found in the said Mr. Richard S. Hackley, the parties have agreed, setting aside the principles of said plan or paper of conditions, that his excellency shall grant a portion of the aforesaid lands to Mr. Richard S. Hackley and company, and carrying such agreement into execution by these presents, in the manner and form most valid at law, his excellency, being well informed of the rights in the premises, grants, renounces, and assigns, makes transfer and condition, pure, perfect, and irrevocable, inter vivos, for ever, for himself and in the name of his children, heirs and successors, to the aforesaid Mr. Richard S. Hackley and company, residing in Richmond, in the United States of America, of all the lands included from the mouth of the river Amarrima, along its right bank, up to the source thereof; then drawing a line to the river San Juan; and then going along up the left bank of the same river up to the lake Macaco; and from the southern point of this lake drawing a straight line to the source of the river Hijuelos; then descending along its right bank to the mouth at the sea; then continuing along the coast with all its adjacent islands up to the mouth of the river Amarrima; which lands are a part of those included in the grant made to his excellency, by the King, our lord, by the royal order of the 17th of December, 1817; his excellency, the Duke, reserving to himself in full dominion and property,

all other places and lands not herein expressly determined or granted by this instrument. His excellency at the same time assuring that the grant which he has made to said Mr. Richard Hackley and company, is of his own free and spontaneous will, for himself, his children, heirs, and successors, or those who may lawfully represent them, in consideration of the advantages which he promises to himself, and which can be secured from the manner and form of effecting the opening, clearing, and settling of the lands, an object so interesting to our government, and which the aforesaid Richard S. Hackley and company have offered immediately to carry into effect, in conformity with the aforesaid plan of conditions of the 1st of January, 1818; said grant being understood to be with all the rights of egress and ingress, usages, customs, rights, and services enjoyed up to the present time, and which in fact and by law appertain or may appertain to his excellency, so that Mr. Richard S. Hackley and company may dispose of the same as of a thing acquired by just title, as is the case by this instrument. His excellency likewise assuring that the aforesaid lands by him granted to Mr. Richard S. Hackley and company, lawfully belong to him for the causes and reasons set forth, and that he has not in any manner granted, sold, or alienated the whole or any part thereof to any other person, and that they are not subject or chargeable to or with any charge or incumbrance respecting which his excellency has not the least idea. And for the observance and fulfilment of all, his excellency binds all his property and income, present and future; he gives full power to the competent justices and judges to whose jurisdiction jointly and severally he submits; he renounces in due form his own privilege, domicil, jurisdiction and residence, the laws, privileges, and rights in his favor, together with the general law on the subject. It was thus declared, executed, and signed by his excellency, whom I, the undersigned, certify to know, the witnesses being Don Vincente Murillo y Monte, Don Jose Blanco, and Don Tornas Lopez, inhabitants and residents of this court.

P. The DUKE OF ALEGON,
Baron of Spes.

Before me— ROMAN LORENZO CALVO.

I, Don Ramon Lorenzo Calvo, notary of the supreme council of war of the King *or* lord, and of the corps and troops of the royal palace and its jurisdiction, notary of the kingdoms and fellow of the illustrious college of this court, do attest to have been present at the granting of these presents, and in testimony of which I affix my signet and sign the same on the said day, on a sheet of paper of the stamp No. 1, and the inside sheets of the stamp No. 4 of forty maravedis, on which it remains in the registry of archives, with a note of the issue thereof.

Flourish. ROMAN LORENZO CALVO.

The forgoing agrees with its original, which, for this purpose, was exhibited to me by the most excellent Duke de Alagon, to whom I re-

2665.

turned it, and signed a receipt for its delivery, which I attest, and refer to.

In testimony whereof, where it may avail, I, the undersigned secretary of the King, our lord, escribano of chambers, notary of the kingdoms, fellow of the illustrious college of this court, grant these presents, which I sign and affix my signet thereto, at Madrid, on the tenth of February, one thousand eight hundred and twenty-four.

Flourish.

RAMON LORENZO CALVO.

I received the original.

P. THE DUKE DE ALAGON, BARON DE SPES.

Duplicate—Legalization.

We, the notaries of the King our lord, and of the illustrious college of this court, who hereto affix our signets and hands to these presents, certify and attest that Don Ramon Lorenzo Calvo, by whom the forgoing document is authenticated, is such secretary of the King, his escribano of chambers of the supreme council of war, notary of the kingdoms, and fellow of the illustrious college of this court, and is what he styles and calls himself; that he is faithful, legal, and entitled to full confidence; and thereby full faith and credit has always been given to all instruments done and authorized by him in judicature and thereout.

In testimony whereof, that it may so appear wherever it may avail, at his instance we grant these presents, sealed with the seals of the said college at Madrid, dated as above.

Three flourishes.

(Seal.)

JOSE CARRILLO ALBONOS,
VICENTE GOMEZ,
JOSE DE PAÑA Y ALEMEDA.

Don Miguel Garcia Correjo, honorary minister of the royal audiencia, deputy magistrate of this most heroic villa of Madrid, certify that Jose Carrillo Albomos, Don Jose de Paña y Alameda, and Don Vicente Gomez, by whom the foregoing is certified, are royal notaries escribanos of the illustrious college of this court, who are now acting in the performance of the duties of their offices.

In witness whereof I sign the same, at the said villa and court of Madrid, on the 12th day of August, one thousand eight hundred and eighty-five.

MIGUEL GARCIA CORREJO.

Don Manuel Garcia Herreros, high dignitary of the council of State, principal notary of the kingdoms, and secretary of State, and of the department of grace and justice of Spain and Indies, do certify, that Don Miguel Garcia Correjo, by whom the foregoing document is authenticated under his hand, is, as he styles himself, deputy magistrate (correjidor) of the villa and court of Madrid.

In testimony whereof I grant these presents, at Madrid, on the thirteenth day of August, one thousand eight hundred and thirty-five.

ML. GARCIA HERREROS.

Don Jose Maria Guirpo de Llano, Count of Toreno, president of the council of ministers, first secretary of state and despatch, (foreign affairs,) &c., &c., do certify, that the foregoing signature is that of Don Manuel Garcia Herreros, secretary of state and universal despatch of grace and justice of Spain and of the Indies.

In testimony whereof I grant these presents, at St. Ildefonso, this eighteenth day of August, in the year one thousand eight hundred and thirty-five.

[SEAL.] EL CONDE DE TORENO.

(Here follow the certificates of C. P. Van Ness, minister plenipotentiary of the U. S., dated at Madrid.)

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE, *Translator.*

Plaintiff's document marked H, being the deposition of Ann Rachel Hart, of Baltimore, Maryland, taken under the 30th section of the Judiciary act, that R. S. Hackley was a native born citizen of the United States.

THE UNITED STATES OF AMERICA,
District of Maryland, to wit:

I, John Hanon, a commissioner appointed by the circuit court of the United States, for the fourth circuit, in and for the Maryland district, pursuant to the act of Congress, entitled "an act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," do hereby certify, that on the twenty-ninth of April, in the year of our Lord one thousand eight hundred and fifty-two, at my office in the city of Baltimore, within the district of Maryland, personally appeared before me Ann Rachel Hart, a witness for the plaintiff, in a certain civil cause depending in the district court of the United States, for the northern district of Florida, wherein John Doe on the demise of Lot Clark and others are plaintiffs, and Joseph Addison Braden is defendant.

And the said Ann Rachel Hart, being by me first carefully examined, and cautioned, and duly sworn according to law, to testify to the whole truth, and being examined on behalf of the plaintiffs, makes oath, deposeth and saith as follows, to wit:

That she resides in the city of Baltimore, in the State of Maryland, and has resided in said city since the year eighteen hundred and thirty-one. This deponent knew the late Richard S. Hackley; he was the

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brother of deponent's mother, and deponent's uncle; deponen't knew him from her childhood, and she is now fifty-four years old; deponent has always understood in her family, and from her uncle, the said Richard S. Hackley, himself, that he was born in Fredericksburg, in the State of Virginia, and a long period during deponent's youth, and from the period of her earliest remembrance of him, that he resided in Fredericksburg, in the State of Virginia; afterwards he went to New York, and resided there a considerable time, and then went to Spain as consul of the United States.

Deponent remembers as far back as her fifth year; deponent was born in Fredericksburg, in the State of Virginia, where her mother has always resided, and still resides; deponent has always understood that her mother was two years younger than her uncle, the said Richard S. Hackley; her uncle, Richard S. Hackley, died in Norfolk, in the State of Virginia, some years ago.

(Signed) ANN R. HART.

And I, John Hanan, a commissioner as aforesaid, do also certify, that the reason for taking the foregoing deposition of Ann Rachel Hart, is that the said witness lives in the city of Baltimore, in the State of Maryland, where the said deposition was taken; and more than one hundred miles from the place of trial of said cause, depending as aforesaid in the district court of the said United States, for the northern district of Florida, and that no notification to said defendant, Joseph Addison Braden, nor to any attorney of the same, to be present at the taking of said deposition, and to put interrogatories if he might think fit, was given, because neither the said defendant nor any attorney known to me as such of said defendant's resides within one hundred miles of the city of Baltimore, in the State of Maryland, the place of the caption of said deposition.

And I do also certify, that the deponent was by me first carefully examined, cautioned, and duly sworn according to law, to testify the whole truth, and that the foregoing deposition was then reduced to writing by me, and thenceforth subscribed by the said deponent in my presence.

And I do further certify, that I am not of counsel or attorney for either of the parties to the said cause, and that I am not interested in the event of said cause.

Given under my hand and seal, at city of Baltimore, within the district of Maryland, this twenty-ninth day of April, in the year of our Lord one thousand eight hundred and fifty-two.

(Signed) JOHN HANAN. [SEAL.]

THE UNITED STATES OF AMERICA,
District of Maryland, to wit:

I, Thomas Spicer, clerk of the circuit court of the United States, for the fourth circuit in and for the Maryland district, do hereby certify, that John Hanan, esquire, before whom the aforesaid deposition was

taken, was at the time of taking the same a commissioner duly appointed by the said circuit court, in pursuance of the act of Congress, entitled "An act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," and to all his acts as such full faith and credit is and ought to be given as well in courts of justice as thereout.

In testimony whereof I hereunto subscribe my name and affix the seal of the said circuit court, this twenty-ninth day of April, in the year of our Lord one thousand eight hundred and fifty-two.

[Seal of the circuit court of Maryland.]

(Signed) THOMAS SPICER, *Clk.*

I.

Plaintiff's document marked I, being a deed from Richard S. Hackley to Joseph D. Beers and Lot Clark and David Clarkson, dated 14th September, 1836.

STATE OF NEW YORK,
City and county of New York, ss.

[L. S.]

By this public instrument be it known, to all whom it may concern, that I, William H. Maxwell, commissioner in and for the State of New York, duly commissioned by the Governor of the Territory of Florida, (by virtue of an act of legislature of the said Territory, entitled "An act to authorize the appointment of commissioners," &c., passed January 24th, 1831, and therein and thereby authorized and empowered to take the acknowledgment of any deed, contract, letter of attorney, mortgage, or conveyance of any lands, tenements, or hereditaments, lying or being in the Territory of Florida, or any other writing under seal to be used in said Territory, with full power and authority to administer oaths and affirmations, take depositions, &c.,) do hereby certify, that on the fourteenth day of September, one thousand eight hundred and thirty-six, before me, said commissioner, personally came Richard S. Hackley, known to me to be the grantor in the annexed deed named, and having made known to him the contents thereof, he duly acknowledged he had signed, sealed, and delivered the same as his free act and deed for the uses and purposes therein mentioned.

In testimony whereof I have hereunto set my hand and seal the day and year above written.

Signed, WILLIAM H. MAXWELL,
Florida Commissioner.

This indenture, made this fourteenth day of September, in the year of our Lord one thousand eight hundred and thirty-six, between Richard S. Hackley, of the city of New York, gentleman, of the first part, and Joseph D. Beers and David Clarkson, of the city of New York, and Lot Clark, of the Territory of Florida, of the second part.

Whereas Richard S. Hackley, the party of the first part, and company, did, by deed duly executed in the city of Madrid, in the kingdom of Spain, before the private notary of the King and public notary of the kingdom, and the proper witnesses, acquire title to certain lands therein described, bearing date the twenty-ninth day of May, one thousand eight hundred and nineteen, granted by the King of Spain to the most excellent Francis Ramon de Espes, Fernandez de Cordova y Alagon, Duke of Alagon, &c., &c., being so much of that portion of the land contained in the royal grant of the seventeenth of December, one thousand eight hundred and seventeen, as was conveyed to Richard S. Hackley and company, as is contained in the following boundaries, to wit:

Beginning at the mouth of the river Amarrima or Amaxura, where it enters the gulf of Mexico, in the former Spanish province of East Florida, and what is now a part of the organized territory of the United States of America, running along the right bank of said river to its head spring or main fountain source; thence by a right line to the nearest point of the river St. John, and running up to lake Macao or Macaco; from thence to the head of the Higuelos river, and descending said river to its mouth in the gulf of Mexico, on the coast of the gulf of Mexico; and from thence along said coast, including all the islands up to the beginning.

Containing, by estimation, eight millions of acres, more or less, excluding therefrom any prior confirmed Spanish grants which were reserved in the royal grant of the King of Spain to the Duke of Alagon, and the sales made by the said Richard S. Hackley contained in the list presented to the parties of the second part:

And whereas the assignees of said company have assigned, released, and transferred their respective parts and interests to the said Richard S. Hackley, whereby he has become the sole owner of the same, with power to sell and convey the above described premises, containing as aforesaid eight millions of acres, more or less:

And whereas it is deemed expedient by the parties of the first and second part to enter into certain articles of association, constituting a company, to be designated and known as the Florida Peninsula Land Company, of which the parties of the second part, by the agreements and covenants therein contained, bearing even date with this indenture, are constituted and appointed trustees for the objects, uses, and trusts therein contained, and upon the conditions and stipulations therein mentioned:

Now, this indenture witnesseth, that the party of the first part, for the purpose of disposing of the said eight millions of acres, more or less, in the manner indicated as aforesaid, and for and in consideration of the premises and of the various objects stipulated and agreed upon in the said writing, bearing even date herewith, and herein before referred to, and of the sum of ten dollars lawful money of the United States of America, to him in hand paid by the parties of the second part, at or before the ensealing and delivery of these presents, the receipt whereof

is hereby acknowledged, hath, and by these presents doth grant, bargain, sell, alien, release, enfeoff, convey, and confirm, unto the parties of the second part, trustees as aforesaid, the survivors and survivor of them, their successors and assigns forever, all the said tract of land herein before mentioned and described, containing by estimation eight millions of acres of land, more or less, with the exceptions and reservations herein before expressed, with the appurtenances; and also all the right, title, interest, claim, and demand of the party of the first part, of, in, and to the same, and every part and parcel thereof, with the appurtenances, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

To have and to hold the same unto the parties of the second part, the survivors and survivor of them, their successors and assigns, forever, for the uses and upon the trusts mentioned and contained in the said articles of association herein before referred to, and upon no other use or trust whatsoever.

And the said party of the first part, for himself, his heirs, executors, and administrators hereby covenants, to and with the said parties of the second part, their successors and assigns, that he hath not heretofore made, done, or suffered any act or thing whereby the title to said land and premises can in any wise be impeached, impaired, or encumbered.

In witness whereof the party of the first part hath hereunto set his hand and seal, at the city of New York, the day and year first above written.

RICHARD S. HACKLEY. [L. S.]

Sealed and delivered in duplicate in presence of—
HENRY SMITH,
WILLIAM H. MAXWELL.

TERRITORY OF FLORIDA,
St. John's county, city of St. Augustine, ss.

This is to certify, that on the second day of November, A. D. 1836, I, the subscriber, clerk of the county court for the county aforesaid, have at the request of Colonel Charles Downing, recorded the within instrument of writing in book M, page 255.

Witness my name the date above written.

Signed, BERNARDO SEGUI, *Clerk, C. C.*

Plaintiff's document marked J, being the will of Richard S. Hackley.

United States States of America, by Washington Hunt, as governor of the State of New York.

[Great Seal of the State of New York.] It is hereby certified, that Alexander H. Bradford, whose name is subscribed to the annexed transcript, was on the 24th day of April, 1852, surrogate of the county of New York, in this State, and acting as clerk of the surrogate's court, duly

elected and sworn; that the signature, "A. W. Bradford," to the said transcript is the proper handwriting of the said surrogate, and that the said transcript is attested in due form, and by the proper officer.

In testimony whereof the great seal of the State is hereunto affixed. Witness my hand, at the city of Albany, the twenty-seventh day of April, in the year of our Lord one thousand eight hundred and fifty-two.

(Signed) WASHINGTON HUNT.

Passed the secretary's office, the 27th day of April, 1852.

ARCH'D CAMPELL,
Deputy Secretary of State.

At a surrogate's court, held in and for the county of New York, at the city of New York, on the twenty-fifth day of October, in the year of our Lord one thousand eight hundred and forty-three.

Present, David B. Ogden, esq., surrogate.

In the matter of proving the last will and testament, with a codicil, of Richard S. Hackley, deceased.

COUNTY OF NEW YORK, *ss:*

Be it remembered, that heretofore, upon due application for that purpose to the surrogate of said county, a citation was duly issued in this matter, which citation, with the proof of service thereof, were thereafter duly returned to the said surrogate, and which said citation, with the proof of service thereof, are as follows:

The people of the State of New York, by the grace of God free and independent, to Harriet Hackley, residing in Norfolk, in the State of Virginia, the widow, and Isaac Fitz, residing in the city of New York, the special guardian of Martha J. Hackley, and Byrd C. Willis, minors, Harriet B. Talcot, wife of Andrew Talcot, residing in Glastenburg, in the State of Connecticut, Robert J. Hackley, residing in Tallahassee, and William R. Hackley, residing in Key West, in the Terriory of Florida, and Maria Glass, wife of James W. Glass, residing near London, in England, the heirs and next of kin of Richard S. Hackley, deceased, send greeting: Whereas Andrew Talcot, of the town of Glastenburg, in the State of Connecticut, has lately applied to our surrogate, of the county of New York, to have two certain instruments in writing, bearing date, the first the twentieth day of December, in the year 1841, and the second, the twenty-first day of December, in the year 1842, relating to both real and personal estate, duly proved respectively as the last will and testament, and a codicil thereto, of Richard S. Hackley, late of the city of New York, deceased.

Therefore you, and each of you, are cited and required personally to be and appear before our said surrogate, at his office, in the city of New York, on the twenty-second day of September next, at ten o'clock

in the forenoon of that day, then and there to attend to the probate of the said last will and testament.

In testimony whereof, the surrogate of our said county has hereunto affixed his seal of office, the eighteenth day of July, in the year [SEAL.] of our Lord one thousand eight hundred and forty-three, and of our independence the sixty-eighth.

DANIEL B. OGDEN,
Surrogate.

ISAAC FITZ, *Guardian ad litem.*

County of New York, ss.

Isaac Dayton, of the city of New York, being duly sworn, doth depose and say, that he saw Isaac Fitz, the special guardian named in the foregoing citation, sign the foregoing admission of service of the said citation.

I. DAYTON.

Sworn, this twenty-second day of September, A. D. 1843, before me,

DAVID B. OGDEN.

STATE OF NEW YORK,
City and county of Albany, ss.

Philo K. Cole, of the city of Albany, being duly sworn says, that he is the foreman in the office of the Albany Argus, the paper published by the printer to the State, and that the notice, of which the annexed is a printed copy, has been regularly published in said Albany Argus, once in each week, for six weeks successively, commencing on the tenth day of August, 1843.

PHILO K. COLE.

Sworn before me this 19th day of September, 1843.

FRED. W. COLE,
Commissioner of deeds.

And thereupon the last will and testament, with the codicil, of the said Richard S. Hackley, deceased, with the proofs thereof, were produced, as follows, to wit:

In the name of God, amen. I, Richard S. Hackley, of the city of New York, being of sound and disposing mind and memory, but considering the uncertainty of this mortal life, and feeling sensible that I am fast advancing to old age, do make and publish this my last will and testament, in manner and form following, that is to say:

First. It is my will, and I do hereby direct, that whenever it may be my fate to die, I may be buried without parade or extra expense, but only with the decency that appertains to a gentleman; and that all my just debts and funeral expenses be paid out of my estate as soon after my death as practicable.

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Secondly. I give and bequeath to my daughter Maria Glass, of Clapton, near London, England, twenty full shares of my stock in the Florida Peninsula Land Company, to be transferred and made over to her immediately upon my decease, and to be had and held by my said daughter forever as and for her sole and separate property, and to and for her separate use, as though she were feme sole and not married, and not in any manner subject to the control or management of her husband, or liable for his debts or engagements.

Thirdly. I give and bequeath to each of my grandchildren, James W. Glass, junior, Richard H. Glass, John H. Glass, Ellen Glass, and Eliza or Elizabeth Glass, children of my said daughter Maria Glass, ten full shares of stock in the said Florida Peninsula Land Company, to be transferred and made over to them respectively, immediately upon my decease. In case I shall have sold out my stock in said Company before my death, so that the shares above given to my daughter and grandchildren cannot be transferred to them as above directed, then, in that event, it is my will that my said daughter and grandchildren be respectively paid out of my estate the amount of the proceeds of said stock at the rate of fifteen hundred dollars per share; that is to say, that my said daughter shall be paid out of my estate the sum of thirty thousand dollars, and each of my said grandchildren the sum of fifteen thousand dollars; such payments to my said daughter and grandchildren to be made, immediately after my death, in the funds, securities, or property I may have taken on the sale of said stock; and in any and every event such payment to my said daughter, whether made in cash, securities, or other property, to be to her sole use and benefit, and not in any manner subject to the control, management, or interference of her husband, or in any manner liable for his debts or engagements.

Fourthly. I give and bequeath to my sister Nancy J. Hackley the sum of two hundred dollars per annum during her natural life.

Fifthly. I request my dear wife, hereinafter named, to pay Anna Garcia, the faithful nurse of my grandchildren, sons and daughters of my daughter Harriet, the sum of one hundred dollars per annum during her natural life, and to make her old age comfortable.

Sixthly. I give, devise, and bequeath all the rest, residue, and remainder of my estate, real and personal, of every name and description, after payment of my debts, funeral expenses, and the bequests to my daughter, grandchildren, and sister before mentioned, unto my dear wife Harriet Hackley, for and during her natural life, or so long as she shall remain my widow, (or in case of her marriage again, then upon her marriage) to be divided and distributed as hereinafter mentioned. In case my said wife shall marry again, after my decease, then it is my will that she take only so much and such part of my estate as she would be entitled to by law in case of my death intestate. It is my will, and I hereby commit the management of my estate, after my decease, to my said wife during her natural life, or so long as she shall remain my widow, and authorize and empower her, in her discretion,

to mortgage, lease, or sell and convey the whole, or any part or parts thereof, as and whenever she may deem it advisable so to do; and to invest the proceeds of such mortgages, leases, or sales, in such securities and property as she may consider will be most advantageous to my estate, and to change or alter such securities or property at her pleasure; and, in general, to manage and conduct all the business appertaining to my said estate during her life or widowhood aforesaid. And I do hereby authorize my said wife, from time to time as she may deem proper, out of the rents, issues, profits, and income of my estate, or if need be out of the principal thereof, to make such advances of money or other property to or for any or either of my children or grandchildren, except my daughter Maria Glass and her children, for whom I have already herein before provided, for and towards his, her, or their maintenance or education, as my said wife may deem necessary or proper, charging such advance or advances to the person or persons to or for whom the same shall be made, in order that the same may be taken into account on the final division of my estate. And I do hereby declare, that the amount of such advances shall be considered as forming part of the share or shares of my estate, devised by this my will and testament to the person or persons respectively, to or for whom such advance or advances shall be made; and in case any such advance or advances shall be made to and for any of my grandchildren, in the lifetime of the parent (my son or daughter) of such grandchild or grandchildren, then that such advance or advances be considered as forming part of the share of my estate devised to the parent of such grandchild or grandchildren, provided that such parent shall be living at the time of the division of my estate; but if such parent shall have died before the division of my estate, then the said advance or advances shall be charged to the particular share of my estate devised, or which would belong, to such grandchild to or for whom such advance or advances shall have been made.

Seventhly. Upon the death or marriage of my dear wife, I give, devise, and bequeath one equal one-fifth part of all my estate, real and personal, of every name, nature, and description, unto my daughter, Martha J. Hackley. In like manner I give, devise, and bequeath a like equal one-fifth part of my estate unto my grandson, Byrd Willis, son of my deceased daughter Lucia. In like manner I give, devise, and bequeath a like equal one-fifth part of my estate unto my son, William R. Hackley. And in like manner I give, devise, and bequeath a like equal one-fifth part of my estate unto my daughter Harriet R. Talcott, wife of Andrew Talcott, to take and hold the same to themselves respectively, and their respective heirs, executors, administrators, and assigns, forever; and in case of the death of either of them, without leaving lawful issue, before the death or marriage of my said wife, then, and in that event, the share of such of them as shall have thus died shall be equally divided between the survivors, and the issue of such of them as shall have died leaving issue, (such issue taking the proportion that his, her, or their parent would take if alive,) and the

trustee of my son, Robert J. Hackley's wife and children hereinafter named and appointed, the portion of such shares thus falling to said trustee to be taken and held by him upon the same trusts as hereinafter mentioned, as the trusts on which the share or portion of my estate is hereinafter devised and bequeathed to said trustee. In case of the death of either of my said children, Martha J. Hackley, William R. Hackley, or Harriet R. Talcott, or of my said grandson Byrd Willis, before the death or marriage of my said wife, leaving lawful issue, then such issue shall be entitled to and take the share of my estate herein devised and bequeathed to his, her, or their parent thus dying, together with the proportion of the share or shares of such of them (if any) who shall have died without issue.

Eighth. Upon the death or marriage of my said wife, I give, devise, and bequeath the one equal one-fifth part of all my estate, real and personal, of every name, nature, and description, unto my son-in-law, Andrew Talcott, of Glastenburg, in the State of Connecticut, his heirs, executors, administrators, and assigns, upon the express trust, nevertheless, to have, hold, and use the same, and every part thereof, and the rents, issues, and profits thereof, to and for the use and benefit of the wife and children of my son, Robert J. Hackley, during the lifetime of my said son, to be devoted and employed to and in the support and maintenance of my said son and his family, and the education of his children. And upon the death of my said son, to be divided equally among his children, and made over to them respectively, in equal shares, share and share alike. And I hereby authorize and empower the said trustee, during the continuance of the trust hereby created, to manage the said trust property as in his discretion shall seem most likely to increase it or improve its value, and for such purpose to mortgage, lease, or sell and convey the whole, or any part thereof, and to invest the proceeds in such property or securities as he may deem advisable, and for the interest of said trust fund, and as often and whenever he please, to alter, modify, and change the said investments, and to reinvest the same, fully confident that the said trustee will faithfully manage the said trust property as he shall honestly deem most advantageous to the persons interested therein. And here I take occasion to add, that my reason for making this trust is not any want of regard for my said son Robert J., towards whom I entertain the warmest affection, but that knowing his extreme generosity of disposition, and his propensity to incur obligations and responsibilities for other people without consideration, and without protecting himself against the consequences thereof, I deem it my duty to settle his portion of my estate in such manner that it may not be wasted, and that his family may receive the benefit of it.

Ninth. To prevent the occurrence of such disputes on the division of my estate as frequently happens among relatives upon the division of estates in which they are mutually interested, and which I consider disgraceful to those concerned therein, it is my will, and I do hereby direct, that if, on the division of my estate as above directed, after the

death or marriage of my wife, any part of the property shall be of such a character or description that it cannot be divided or distributed in kind, or by mutual kindly understanding and agreement amongst those entitled thereto, such property be sold and converted into cash by my executors, and the proceeds paid over to those entitled thereto in proportions according to their respective rights.

Tenth. I nominate, constitute, and appoint my beloved wife, Harriet Hackley, executrix, and my son-in-law, Andrew Talcott, before named, executor of this my last will and testament, hereby revoking and annulling all former wills and codicils by me made, and I desire that neither my said executrix or executor may be required or asked to give any security upon probate of this will, or for any of their acts or doings as executrix or executor or trustee, under or by virtue of this will, to or before any court, surrogate, or other tribunal whatsoever.

In witness whereof I have hereunto set my hand and seal, the twentieth day of December, in the year of our Lord one thousand eight hundred and forty-one.

Signed, RICHARD S. HACKLEY. [L. S.]

Signed, sealed, published, and declared by the above named testator, Richard S. Hackley, to be his last will and testament, in the presence of us, who, at his request, in his presence, and in the presence of each other, have hereunto subscribed our names and our respective places of residence, this twentieth day of December, one thousand eight hundred and forty-one.

JOHN H. MAGHER,
No. 206, *Wooster street, New York.*
WILLIAM H. MAXWELL,
No. 9, *Whitehall street, New York.*
HENRY SMITH,
No. 65, *Barclay street, New York.*

I, Richard S. Hackley, do make and ordain this my codicil to my annexed last will and testament.

First. I do hereby empower my executors named in said will, and the survivor of them, or either of them, who shall alone assume the executorship, to enter into any agreement for partition of the lands in East Florida, conveyed by me by deed of trust to David Clarkson, Lot Clark, and Joseph D. Beers, and forming the estate of the Florida Peninsula Land Company, and also of any other lands in East Florida to or in which I have any claim, title, or interest, and to appear and to act to every effect as the sole party, and as I might, if alive, in any partition proceedings in court or otherwise in the premises, and also for and in relation to all my interest in said company or in said lands, and to any procedure for establishing and confirming my title, and the title of said company to said lands, to make all contracts, and enter into any engagements which to them may appear expedient; and also to cause the trusts of said deed to be dissolved, to the end that the

owners of shares in said company and my legatees of shares under my last will aforesaid may be entitled to corresponding undivided parts of land embraced in said deed, subject to partition in manner and under the powers above mentioned and conferred. And also to compound and make any compromise for or relating to any claims belonging to me upon sales of any shares aforesaid, or of any lands in East Florida or elsewhere, and to execute all conveyances or assurances to persons as I might do under contracts for sales or otherwise, or of relating to any shares or lands aforesaid.

Second. After the death of the survivor of my said executors, or of the sole executor, if only one shall assume the executorship, or in case both of said executors shall decline or fail to assume the same, the persons who successively (in the State of my residence at my death, or in Maryland, according to the priority of grant of administration of my estate with my will annexed, shall have all the powers conferred by the preceding article of my will on my executors and their survivor.

Third. The dying without issue provided for in the seventh and other articles of my said will shall be construed to mean a dying without leaving issue at the death of the party dying.

In witness whereof I hereto set my hand and seal at Baltimore, this twenty-first day of December, in the year eighteen hundred and forty-two.

RICHARD S. HACKLEY. [L. S.]

Signed, sealed, published, and declared by Richard S. Hackley, as and for a codicil to his last will and testament in our presence, and we being in presence of each other, and who at his request and in his presence, and in presence of each other, here sign our names as witnesses to said signing, sealing, publishing, and declaring.

DAVID HOFFMAN, (*Baltimore.*)
CHARLES F. MAYER, (*Baltimore.*)
R. RIDGELY BATTLE, (*Baltimore.*)

In the matter of proving the last will and testament, with a codicil, of Richard S. Hackley, deceased.

CITY AND COUNTY OF NEW YORK, *ss.*

Andrew Talcott, of the town of Glastenburg, in the State of Connecticut, being duly sworn and examined before David B. Ogden, surrogate of the county of New York, doth depose and say, that he enclosed and sealed the instruments in writing now produced and shown to deponent, purporting to be the last will and testament, with a codicil thereto, of Richard S. Hackley, deceased, bearing date, the said will the twentieth day of December, in the year one thousand eight hundred and forty-one, and the said codicil the twenty-first day of December, in the year one thousand eight hundred and forty-two, in an envelope at the request of the said Richard S. Hackley, a few days after the execution of the said codicil, at Norfolk, in the State of Virginia,

and immediately at the request of the said Richard S. Hackley handed the same to Harriet, his wife, now residing in Norfolk aforesaid, and absent from the State of New York; that he afterwards and subsequent to the death of the said Richard S. Hackley, received the said instruments in the same envelope aforesaid from the said Harriet Hackley, and that then said instruments remained in the custody of deponent until he brought the same to the office of the surrogate of the county of New York, where he deposited the same for probate, and that whilst said instruments remained in the custody of deponent, the same were in no respects altered or changed.

A. TALCOTT.

Sworn, this twenty-second day of September, A. D. 1843, before me,
DAVID B. OGDEN.

In the matter of proving the last will and testament, with a codicil, of Richard S. Hackley, deceased.

COUNTY OF NEW YORK, *ss.*

John H. Magher, of the city of New York, being duly sworn and examined before David B. Ogden, surrogate of the county of New York, doth depose and say, that he was well acquainted with Richard S. Hackley, now deceased; that he was present as a witness, and did see the said Richard S. Hackley subscribe his name to the instrument in writing now produced and shown to deponent, purporting to be the last will and testament of said deceased, bearing date the twentieth day of December, in the year one thousand eight hundred and forty-one; that such subscription was made by the said testator, at the same time declared the instrument so subscribed by him to be his last will and testament; wherefore, this deponent signed his name as a witness at the end thereof, in the presence of and at the request of said testator, and that the said testator at the time of executing and publishing the last will and testament was of full age, of sound mind and memory, and not under any restraint, and was in all respects competent to devise real estate; and deponent further says, that he saw William H. Maxwell and Henry Smith sign said will as witnesses in the presence of and at the request of said testator.

JOHN H. MAGHER.

Sworn, this twenty-second day of September, A. D. 1843, before me,
DAVID B. OGDEN.

In the matter of proving the last will and testament, with a codicil, of Richard S. Hackley, deceased.

COUNTY OF NEW YORK, *ss.*

William H. Maxwell, of the city of New York, being duly sworn and examined before David B. Ogden, surrogate of the county of New

York, doth depose and say, that he was well acquainted with Richard S. Hackley, now deceased; that he was present as a witness, and did see the said Richard S. Hackley subscribe his name to the instrument in writing now produced and shown to deponent, purporting to be the last will and testament of said deceased, bearing date the twentieth day of December, in the year one thousand eight hundred and forty-one; that such subscription was made by the said testator in the presence of this deponent; that the said testator at the same time declared the instrument so subscribed by him to be his last will and testament; whereupon this deponent signed his name as a witness at the end thereof, in the presence of and at the request of said testator, and that the said testator at the time of executing and publishing the said last will and testament was of full age, of sound mind and memory, and not under any restraint, and was in all respects competent to devise real estate; and deponent further says, that he saw John H. Magher and Henry Smith sign said will as witnesses, in the presence of, and at the request of said testator.

WILLIAM H. MAXWELL.

Sworn, this twenty-second day of September, A. D. 1843, before me,
DAVID B. OGDEN.

In the matter of proving the last will and testament, with a codicil, of Richard S Hackley, deceased.

COUNTY OF NEW YORK, *ss.*

Henry Smith, of the city of New York, being duly sworn and examined before David B. Ogden, surrogate of the county of New York, doth depose and say, that he was well acquainted with Richard S. Hackley, now deceased; that he was present as a witness, and did see the said Richard S. Hackley subscribe his name to the instrument in writing now produced and shown to deponent, purporting to be the last will and testament of said deceased, bearing date the twentieth day of December, in the year one thousand eight hundred and forty-one; that such subscription was made by the said testator in the presence of this deponent; that the said testator at the same time declared the instrument so subscribed by him to be his last will and testament; whereupon this deponent signed his name as a witness at the end thereof, in the presence of and at the request of said testator, and that the said testator at the time of executing and publishing the said last will and testament was of full age, of sound mind and memory, and not under any restraint, and was in all respects competent to devise real estate; and deponent further says, that he saw John H. Magher and William H. Maxwell sign said will as witnesses in the presence of and at the request of said testator.

HENRY SMITH.

Sworn, this twenty-second day of September, A. D. 1843, before me,
DAVID B. OGDEN.

In the matter of proving the last will and testament, with a codicil, of Richard S. Hackley, deceased.

County of New York, *ss.*

David Hoffman, of the city of Baltimore, in the State of Maryland, being duly sworn and examined before David B. Ogden, surrogate of the county of New York, doth depose and say, that he was well acquainted with Richard S. Hackley, now deceased; that he was present as a witness, and did see the said Richard S. Hackley subscribe his name to the instrument in writing now produced and shown to deponent, purporting to be a codicil to the last will and testament of said deceased, bearing date the twenty-first day of December, in the year one thousand eight hundred and forty-two; that such subscription was made by the said testator in the presence of this deponent; that the said testator at the same time declared the instrument so subscribed by him to be a codicil to his last will and testament; whereupon this deponent signed his name as a witness at the end thereof, in the presence of and at the request of said testator, and that the said testator at the time of executing and publishing the said codicil to his last will and testament was of full age, of sound mind and memory, and not under any restraint, and was in all respects competent to devise real estate; and deponent further says, that he saw Charles F. Mayer and R. Ridgely Battel sign said codicil to said last will as witnesses in the presence of and at the request of said testator; this deponent further says, that the said Charles F. Mayer and R. Ridgely Battel reside in the city of Baltimore, in the State of Maryland, and are not now within the jurisdiction of the State of New York, as this deponent verily believes.

DAVID HOFFMAN.

Sworn, this twenty-third day of October, A. D. 1843, before me,

DAVID B. OGDEN.

In the matter of proving the last will and testament, with a codicil, of Richard S. Hackley, deceased.

County of New York, *ss.*

William P. Hallett, of said city, being duly affirmed, doth declare and say, that he was well acquainted with Richard S. Hackley, late of the city of New York, deceased, and with his manner and style of handwriting, having often seen him write, and that he verily believes, and has no doubt, but that the signature "Richard S. Hackley," subscribed to the instrument in writing now produced and shown to affirmant, purporting to be a codicil to the last will and testament of said Richard S. Hackley, deceased, bearing date the twenty-first day of December, in the year one thousand eight hundred and forty-two, is the proper signature and handwriting of said Richard S. Hackley, deceased.

W. P. HALLETT.

Affirmed, this twenty-fifth day of October, A. D. 1843, before me,

DAVID B. OGDEN.

COUNTY OF NEW YORK, *ss.*

Recorded the preceding last will and testament, with a codicil, of Richard S. Hackley, deceased, as a will of real and personal estate, together with the proofs, examinations, and other proceedings taken and had in the court of the surrogate of the county of New York, relating to the proving of the said last will and testament and codicil; which record is hereby signed and certified by me pursuant to the provisions of the revised statutes, the twenty-fifth day of October, in the year of our Lord one thousand eight hundred and forty-three.

Signed, DAVID B. OGDEN.

STATE AND COUNTY OF NEW YORK,
Surrogate's office, ss.

I, Alexander W. Bradford, surrogate of said county, and acting as clerk of the surrogate's court, do hereby certify, that I have compared the foregoing copy of the last will and testament of Richard S. Hackley, deceased, of a codicil thereto, of the proofs of said will and codicil, and of the surrogate's certificate of probate and record, with the original record thereof now remaining in this office, and have found the same to be a correct transcript therefrom and of the whole of such original record.

In testimony whereof I have hereunto set my hand, and affixed my seal of office, this twenty-fourth day of April, in the year of
[SEAL.] our Lord one thousand eight hundred and fifty-two, and of our independence the seventy sixth.

Signed, A. W. BRADFORD,
Surrogate.

STATE AND COUNTY OF NEW YORK,
Surrogate's court, ss.

I, Alexander W. Bradford, surrogate of said county, and presiding magistrate of the surrogate's court, do hereby certify, that the foregoing exemplification of the last will and testament of Richard S. Hackley, deceased, of a codicil thereto, of the proof of said will and codicil, and of the surrogate's certificate of record and probate, is authenticated in due form.

In testimony whereof I have hereunto set my hand, and affixed the seal of the surrogate's court, this twenty-fourth day of April,
[SEAL.] in the year of our Lord one thousand eight hundred and fifty-two, and of our independence the seventy-sixth.

Signed, R. W. BRADFORD,
Surrogate.

Plaintiff's document marked K, being a certified copy from the office of public archives of East Florida, of a letter or official despatch accompanying the cedula, dated July 19th, 1818.

En puntual cumplimiento de la rl. cedula de 6 de Febrero ultimo, presentada por Dn. Nicolas Garrido, apoderado del ex'mo sr. Duque

de Alagon, dispondrá V. S. se le ponga en pronta posecion de los terrenos de via provincia, que S. M. se ha dignado concederle, sui obstaculo su impedimente, y le auxiliara V. S. en quanto esté de sa parte, para el mas pleno fecto de esta gracia, permitiendole usar de sus amplios poderes, en toda la estencion que se los confirio dicho ex'mo sr. Duque, segun el testimonio que V. S. me ha remitido con oficio No. 13, de 28 de Junio proximo anterior, tomando V. S. todas las medidas conducerlas en este importante amento, pues se le ha comunicado directamente la misma real cedula, y dandome cuenta de lo que en ello se adelante y practique para hacerlo, yo tambien á S. M. como se me pragine.

Dios gue. á V. S. ms. as. Havana, y Julio 19 de 1818.

Signed, JOSE CIENFUEGOS.

Sr. Dn. Jose Coppinger.

Office of the surveyor general of Florida, St. Augustine, 14th May, 1852. I certify the foregoing to be a true copy of the original in my charge on file in this office.

Signed, B. A. PUTNAM,
Surveyor general.

D.

For the punctual compliance of the royal order of the 6th February last, presented by Don Nicolas Garrido, attorney of the most excellent Duke of Alagon, your lordship will take measures to put him into immediate possession, without the least obstacle or hindrance, of the lands which his Majesty has been pleased to grant him in that province; and your lordship will give him all the aid in your power to carry into full effect the object of this concession, and to permit him to use, to the fullest extent, the powers conferred upon him by the said most excellent Duke, as appears by the certified copy thereof, which your lordship transmitted to me enclosed in official communication No. 13, of the 28 of June last, adopting at the same time such other measures respecting this important subject as may be deemed proper, inasmuch as the same royal order has been communicated to you directly, and report to me whatever may be done in the matter, in order that I may also make report of the same to his Majesty as I have been instructed to do.

God preserve your lordship many years. Havana, July 19, 1818.

JOSE CIENFUEGOS.

Sr. Don José Coppinger.

I hereby certify, that the foregoing is a correct translation of the document hereto annexed.

Signed, JOHN M. FONTAINE,
Translator.

L.

Admission of United States Attorney.

It being understood that, as a general rule, no paper shall be re-

peated in the transcript of record, but when it occurs more than once shall be referred to as originally inserted in the transcript, so far as the same can conveniently be done without materially affecting the correctness of the record or the ready understanding of it; and the plaintiff, further to prove the issue on his part, read in evidence the consent rule and confession of lease, entry, and ouster, contained in the pleadings; and further showed, as admitted, that the defendant was in possession of a piece of land ($587\frac{45}{100}$ acres) on the Manatee river, in respect of which possession this action was instituted, and proved that said land now is, and at the institution of this suit was, worth more [than] three thousand dollars, and which said admission is in the words and figures following, to wit:

JOHN DOE ex dem.
vs.
JOSEPH A. BRADEN.

It is admitted that Joseph A. Braden, the defendant, at the time of the commencement of this suit was, and is now, in possession of the following lands, viz.:

In W. $\frac{1}{2}$ of sec. 5, T. 35 S., R. 18 E.	- - -	160 34
W. $\frac{1}{2}$ of S. W. $\frac{1}{4}$ sec. 32, T. 34 S., R. 18 E.	- -	80 01
W. $\frac{1}{2}$ of S. E. $\frac{1}{4}$ sec. 32, T. 34 S., R. 18 E.	- -	80 01
W. $\frac{1}{2}$ of N. W. $\frac{1}{4}$ sec. 32, T. 34 S., R. 18 E.	- -	80 01
W. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ sec. 5, T. 35 S., R. 18 E.	- -	80 17
N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ sec. 5, T. 35 S., R. 18 E.	- -	40 08
Lot No. 1, sec. 29, T. 34 S., R. 18 E. - -	-	67 33
Acres - - - - -	-	587 95

lying on the Manatee river, in the present county of Hillsborough, and about twenty-seven degrees and thirty minutes of north latitude, of the value of two thousand dollars and upwards, as appears upon the map of the State of Florida, offered in evidence by the plaintiffs.

May 12, 1852.

Signed, GEO. W. CALL,
U. S. attorney and attorney for defendant.
L. A. THOMPSON,
For plaintiff.

And the said plaintiffs then offered in evidence the map of Florida, by authority of the United States in the year 1846, to show the locality of said possession, hereto appended, marked "M."

And further offered testimony to show that the Amarrina, (Amorine,) river, mentioned in the title papers, in testimony as aforesaid, was identical with the river now called the Withlacoochee, and to show that the possession of the defendant is within the bounds marked on said title papers of the lands granted to the Duke of Alagon, and purported to be conveyed to Richard S. Hackley, in manner as stated in the

testimony; and the plaintiff read in evidence the document herein before recited and set forth, marked "H."

And the defendant, to prove the issue on his part, read in evidence the following certified copies of patents for his land aforesaid from the United States, and which are consecutively numbered as defendant's documents, Nos. 1, 2, 3, 4, 5, 6, and 7.

Defendant's document marked No. 1.

THE UNITED STATES OF AMERICA.

Register and receiver's certificate No. 220.

To all whom these presents shall come, greeting:

Whereas Joseph A. Braden has deposited in the General Land Office of the United States a certificate of the register of the land office and receiver of public moneys at Newnansville, whereby it appears that the said Joseph A. Braden has settled upon and entered, according to the act of Congress approved the 4th of August, 1842, entitled "an act to provide for the armed occupation and settlement of the unsettled part of the peninsula of East Florida," and the other acts amendatory of the same, the northwest quarter of section five, in township thirty-five south, of range eighteen east, in the district of lands subject to sale at Newnansville, Florida, containing one hundred and sixty acres and thirty-four hundredths of an acre, being the tract included in the permit number three hundred and eleven, issued to the said Joseph A. Braden, dated the twenty-fifth of March, one thousand eight hundred and forty-three, according to the official plat of the survey of the said lands returned to the General Land Office by the surveyor general. Now know ye, that the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said Joseph A. Braden, and to his heirs, the said tract above described; to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereunto belonging, unto the said Joseph A. Braden, and to his heirs and assigns forever.

In testimony whereof, I, Zachary Taylor, President of the United States of America, have caused these letters to be made pa-
[SEAL.] tent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the city of Washington, the first day of August, in the year of our Lord one thousand eight hundred and forty-nine, and of the independence of the United States the seventy-fourth.

By the President: Z. TAYLOR,
By THO. EWING, JR.,
Secretary.

Recorded vol. 1, page 220. Ex'd.
N. SARGENT,
Recorder of the Gen'l Land Office.

GENERAL LAND OFFICE, *April* 19, 1852.

I, Justin Butterfield, commissioner of the General Land Office, do hereby certify, that the annexed is a true and literal exemplification from the patent records in this office.

In testimony whereof I have hereunto subscribed my name, and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

[SEAL.]

J. BUTTERFIELD,
Commissioner of the General Land Office.

Defendant's document marked No. 2.

THE UNITED STATES OF AMERICA.

Certificate No. 267.

To all to whom these presents shall come, greeting:

Whereas Joseph Addison Braden, assignee of John Grattan Gamble, junior, physician, of Hillsborough county, Florida, has deposited in the General Land Office of the United States a certificate of the register of the land office at Newnansville, whereby it appears that full payment has been made by the said John Grattan Gamble, junior, physician, according to the provisions of the act of Congress of the 24th of April, 1820, entitled "an act making further provision for the sale of the public lands," for the west half of the southwest quarter of section thirty-two, in township thirty-four south, of range eighteen east, in the district of lands subject to sale at Newnansville, Florida, containing eighty acres and one hundredth of an acre, according to the official plat of the survey of the said lands returned to the General Land Office by the surveyor general, which said tract has been purchased by the said John Grattan Gamble, junior, physician. Now know ye, that the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said Joseph Addison Braden, and to his heirs, the said tract above described; to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereunto belonging, unto the said Joseph Addison Braden, and to his heirs and assigns forever.

In testimony whereof, I, Millard Fillmore, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the nineteenth day of April, in the year of our Lord one thousand eight hundred and fifty-two, and of the independence of the United States the seventy-sixth.

[SEAL.]

By the President: MILLARD FILLMORE,
By M. P. FILLMORE, *Secretary.*

Recorded vol. 1, page 453.

JOS. S. WILSON,
Recorder of the Gen'l Land Office, ad interim.

GENERAL LAND OFFICE, *April* 19, 1852.

I, Justin Butterfield, commissioner of the General Land Office, do hereby certify, that the annexed is a true and literal exemplification from the patent records in this office.

In testimony whereof I have hereunto subscribed my name, and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

[SEAL.]

J. BUTTERFIELD,
Commissioner of the General Land Office.

Defendant's document marked No. 3.

THE UNITED STATES OF AMERICA.

Certificate No. 286.

To all to whom these presents shall come, greeting:

Whereas Joseph Addison Braden, of Hillsborough county, Florida, has deposited in the General Land Office of the United States a certificate of the register of the land office at Newnansville, whereby it appears that full payment has been made by the said Joseph Addison Braden, according to the provisions of the act of Congress of the 24th of April, 1820, entitled "an act making further provision for the sale of the public lands," for the west half of the southeast quarter of section thirty-two, in township thirty-four south, of range eighteen east, in the district of lands subject to sale at Newnansville, Florida, containing eighty acres and one hundredth of an acre, according to the official plat of the survey of the said lands returned to the General Land Office by the surveyor general, which said tract has been purchased by the said Joseph Addison Braden. Now know ye, that the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said Joseph Addison Braden, and to his heirs, the said tract above described; to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereunto belonging, unto the said Joseph Addison Braden, and to his heirs and assigns forever.

In testimony whereof, I, Zachary Taylor, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the fifth day of December, in the year of our Lord one thousand eight hundred and forty-nine, and of the independence of the United States the seventy-fourth.

[SEAL.]

By the President:

Z. TAYLOR,
By THO. EWING, JR.,
Secretary.

Recorded vol. 1, page 401. Ex'd.

N. SARGENT,
Recorder of the Gen'l Land Office.

GENERAL LAND OFFICE, *April* 19, 1852.

I, Justin Butterfield, commissioner of the General Land Office, do hereby certify, that the annexed is a true and literal exemplification from the present records in this office.

In testimony whereof I have hereunto subscribed my name, and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

[SEAL.]

J. BUTTERFIELD,
Commissioner of the General Land Office.

Defendant's document marked No. 4.

THE UNITED STATES OF AMERICA.

Certificate No. 289.

To all to whom these presents shall come, greeting:

Whereas Joseph Addison Braden, assignee of Ezekiel Glazier, of Hillsborough county, Florida, has deposited in the General Land Office of the United States a certificate of the register of the land office at Newnansville, whereby it appears that full payment has been made by the said Ezekiel Glazier, according to the provisions of the act of Congress of the 24th of April, 1820, entitled "an act making further provision for the sale of the public lands," for the west half of the northwest quarter of section thirty-two, in township thirty-four south, of range eighteen east, in the district of lands subject to sale at Newnansville, Florida, containing eighty acres and one hundredth of an acre, according to the official plat of the survey of the said lands returned to the General Land Office by the surveyor general, which said tract has been purchased by the said Ezekiel Glazier. Now know ye, that the United States of America, in consideration of the premises, and in conformity of the several acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said Joseph Addison Braden, and to his heirs, the said tract above described; to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereunto belonging, unto the said Joseph Addison Braden, and to his heirs and assigns forever.

In testimony whereof, I, Millard Fillmore, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the nineteenth day of April, in the year of our Lord one thousand eight hundred and fifty-two, and of the independence of the United States the seventy-sixth.

[SEAL.]

By the President: MILLARD FILLMORE,
By M. P. FILLMORE, *Secretary.*

Recorded vol. 1, page 454. Ex'd.

JOS. S. WILSON,
Acting recorder of the General Land Office, ad interim.

GENERAL LAND OFFICE, *April* 19, 1852.

I, Justin Butterfield, commissioner of the General Land Office, do hereby certify, that the annexed is a true and literal exemplification from the patent records in this office.

In testimony whereof I have hereunto subscribed my name, and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

[SEAL.]

J. BUTTERFIELD,
Commissioner of the General Land Office.

Defendant's document, No. 5.

UNITED STATES OF AMERICA.

Certificate No. 583.

To all to whom these presents shall come, greeting:

Whereas Joseph Addison Braden, of Hillsborough county, Florida, has deposited in the General Land Office of the United States a certificate of the register of the land office at Newnansville, whereby it appears that full payment has been made by the said Joseph Addison Braden, according to the provisions of the act of Congress of the 24th of April, 1820, entitled "An act making further provision for the sale of the public lands" for the northwest quarter of the southeast quarter of section five, in township thirty-five south, of range eighteen east, in the district of lands subject to sale at Newnansville, Florida, containing forty acres and eight hundredths of an acre, according to the official plat of the survey of the said lands returned to the General Land Office by the surveyor general, which said tract has been purchased by the said Joseph Addison Braden. Now know ye, that the United States of America, in consideration of the premises, and in conformity with the several acts of Congress, in such case made and provided, have given and granted, and by these presents do give and grant, unto the said Joseph Addison Braden, and to his heirs, the said tract above described; to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereunto belonging, unto the said Joseph Addison Braden, and to his heirs and assigns forever.

In testimony whereof, I, Millard Fillmore, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the city of Washington, the seventeenth day of April, in the year of our Lord one thousand eight hundred and fifty-two, and of the independence of the United States the seventy-sixth.

[L. S.]

By the President:

MILLARD FILLMORE,
By ALEXANDER McCORMICK,
Assistant Secretary.

JOS. S. WILSON,
Acting recorder of the General Land Office, "ad interim."

Recorded vol. 1, page 450. Exd.

GENERAL LAND OFFICE, *April* 19, 1852.

I, Justin Butterfield, commissioner of the General Land Office, do hereby certify, that the annexed is a true and literal exemplification from the patent records in this office.

In testimony whereof, I have hereunto subscribed my name, and [L. S.] caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

J. BUTTERFIELD,
Commissioner of the General Land Office.

Defendant's document, No. 6.

THE UNITED STATES OF AMERICA.

Certificate No. 661.

To all to whom these presents shall come, greeting:

Whereas Joseph Addison Braden, of Hillsborough county, Florida, has deposited in the General Land Office of the United States a certificate of the register of the land office at Newnansville, whereby it appears that full payment has been made by the said Joseph Addison Braden, according to the provisions of the act of Congress of the 24th of April, 1840, entitled "An act making further provisions for the sale of the public lands" for the lot number one, of section twenty-nine, in township thirty-four south, of range eighteen east, in the district of lands subject to sale at Newnansville, Florida, containing sixty-seven acres and thirty-three hundredths of an acre, according to the official plat of the survey of the said lands returned to the General Land Office by the surveyor general, which said tract has been purchased by the said Joseph Addison Braden. Now know ye, that the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said Joseph Addison Braden, and to his heirs, the said tract above described to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said Joseph Addison Braden, and to his heirs and assigns forever.

In testimony whereof, I, Millard Fillmore, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the city of Washington, the seventeenth day of April, in the year of our Lord one thousand eight hun- [L. S.] dred and fifty-two, and of the independence of the United States the seventy-six.

By the President:

MILLARD FILLMORE,
By ALEX. McCORMICK,
Assistant Secretary.
JOS. S. WILSON,
Acting recorder of the General Land Office "ad interim."

Recorded vol. 1, page 451.

GENERAL LAND OFFICE, *April* 19, 1852.

I, Justin Butterfield, commissioner of the General Land Office, do hereby certify, that the annexed is a true and literal exemplification from the patent records in this office.

In testimony whereof I have hereunto subscribed my name, and [L. S.] caused the seal of this office to be affixed, at the city of Washington, the day and year above written.

J. BUTTERFIELD,
Commissioner of the General Land Office.

Defendant's document, No. 7.

UNITED STATES OF AMERICA.

Certificate No. 573.

To all to whom these presents shall come, greeting:

Whereas Joseph Addison Braden, of Hillsborough county, Florida, has deposited in the General Land Office of the United States a certificate of the register of the land office at Newnansville, whereby it appears that full payment has been made by the said Joseph Addison Braden, according to the provisions of the act of Congress of the 24th of April, 1820, entitled "An act making further provision for the sale of the public lands," for the west half of the northeast quarter of section five, in township thirty-five south, of range eighteen east, in the district of lands subject to sale at Newnansville, Florida, containing eighty acres and seventeen hundredths of an acre, according to the official plat of the survey of the said lands returned to the General Land Office by the surveyor general, which said tract has been purchased by the said Joseph Addison Braden: Now know ye, that the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said Joseph Addison Braden, and to his heirs, the said tract above described; to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said Joseph Addison Braden, and to his heirs and assigns forever.

In testimony whereof, I, Millard Fillmore, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the seventeenth day of April, in the year of our Lord one thousand eight hun- [L. S.] dred fifty-two, and of the independence of the United States the seventy-sixth.

By the President:

MILLARD FILLMORE,
[L. S.] By ALEX. McCORMICK,
Assistant Secretary.

JOS. S. WILSON,
Acting recorder of the General Land Office, "ad interim."

Recorded vol. 1, page 449.

GENERAL LAND OFFICE, *April* 19, 1852.

I, James Butterfield, commissioner of the General Land Office, do hereby certify, that the annexed is a true and literal exemplification from the patent records in this office.

In testimony whereof I have hereunto subscribed my name, and [L. S.] caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

J. BUTTERFIELD,
Commissioner of the General Land Office.

[L. S.] *Document No.* 8. [L. S.]

And further, defendants affirm, in evidence, the following paper, purporting to be articles of partnership between Hackley and one Azaola.

Articles of partnership between R. S. Hackley and Don G. G. Azaola.

El infrascripto, escribano publico del numero de esta ciudad de Cordova: Certifico y doy fe, que en el dia de esta fecha, por la Señora Doña Tomasa Granado de Araola, de estado, viuda del Señor Don Gregorio Gonzalez de Araola, y por las señoras, sus hijas, Doña Maria de la Par y Doña Celestina Gonzalez Araola y Granado, de estado, honesto mayores de veinte y cinco años, vecinos todas al presente de esta dicha ciudad, á la calle de Santa Marta, collacion de San Andres, se ha escrivido ante mi un testimonio, autorisado por Don Emeterio de Cacho, notario de los reynos, y del numero de la ciudad de Santander, su fecha veinte y 2'do de Junio, de mil ochocientos treinta y tres, y legalizado por Don Pedro Fernandez Hieto y Don Tomas C. Agüend, tambien escribanos reales, y del numero de dicha ciudad de Santander, comprensito del testamento del dicho Señor Don Gregorio, y del inventario formado de sus bienes por su fallecimiento, de cuyo testamento, copiadas á la letra su cabeza, dos de seis clausulas, y el pié son literalmente como sigue:

Cabeza.

En el nombre de Dios, todo poderoso, amen; yo, Don Gregorio Gonzalez Araola, natural de la ciudad de Burgos, residente actualmente en transito pasa Madrid, en esta ciudad de Santander, profesor de ciencias naturales del real elavoratorio de Madrid, caballero pensionado de la real orden de Carlos tercero, del conseyo de S. M., oficial de la secretaria del despacho del fomento del reyno, y condecorado con otras comiciones del gobierno, pasa dentro y fuera de España, hijo legitimo de legitimo matrimonio de los Señores Don Silvestre y de Doña Damiana Araola de Begoña, defunto vecino que fueron de dicha ciudad de Burgos, hallandome por la divina misericordia, con dolencia, graves, aunque en mi caval y entiero precio, memoria y entendimiento, natural creyendo y conferendo en el alto é inefable misterios de la beatisima trinidad, padre é hijo y esperitu santo, tres personas que aun-

que realmente distintas son un solo Dios verdadero, y en todo lo demas que tiene, cree y confiera nuestra santa madre yglesia catolica *agnostolica* romana, en cuya verdadera fé y creencia he vivido, vivo, y protesto vivra y morir, como catolico cristiano, tomando por mi intercessora y atogada á la sexemnisima regna de los angeles, Maria Santissima, madre de Dios y Señora nuestra, y por medianeros á los santos angeles de mi guarda, nombre y debocion y demas del la corte del cielo pasa que impetren del redentor del universo, que por los infinitos meritos de su preciosa vida, pasion y muerte, perdone mis pecados, y lleve mi anima á goran de su beatifica presencia, y temeroso de la muerte como natural á todo viviente, oú como incierta su hora pasa vivia prevenido cuando llegue con disposicion testamentaria y cirtar con la clasidad los Indes y altereados que judieran occurrin, y que los ciudados temporales no me obiten, pedir á Dios con todas viras la remicion que espero de mis calgra y pecado, hajo y ordeno mi testamento, ultima y postrimera, voluntad, en la forma siguiente.

Clausula.

Por justas consideraciones, y deseando da una prueva nado eguiboca á la precitada mi eyrosa Doña Tomaso Sancho Granado, del afecto que la debo y enjusto agradecimiento del amor y casino con que me ha asistido y asiste, y en uno de la facultad legal, le lego el quinto de todos mis bienes, derechos, acciones y futura adquisicione, para que sacandore del monto de mi herencia, disponja de el como de legitima cosa neya, y despues de complido y pogado evanto dejo dispuesto en este testamento, y con tenga la memoria de que va hecha mencion en el remanente que quedare de todos mis tienes, derecho, acciones, y futuras adquisicione, institago y nombro por mis unica y universales herederas á las precitadas Doña Maria de la Par y Doña Celestina de los Dolores Gonzalez Araola, Sancho Granado, mis hijas legitimas, y de la citada mi muger, para que los hayan y hereden con la vendicion de Dios y la mia.

Pie.

Y por el presente revoco y anulo doy por nulo de ningan merito, ni valor, los demas testamentas, cobdicilor, proderas para testar, memoria, testamento, que ante del presente hubiere hecho por escrito de palabro ó en otra forma, para que ninguno haga fé en juicio ni fuera de el ecepto el presente y memoria escrita, de que vá hecho merito que quiero se cumpla por mi testamento ultimo y postrimera voluntad, en la forma que mas haya lugar por derecho el que otorgo y firmo ante el presente escribano real, y de la subdelegacion de rentas de la provincia, como de mi superior confiansa, á los del numero y para protocoliran en uno de estos oficio en la ciudad de Santander, á treinta de Marso de mil ochocientos treinta y tres, siendo testigo llamadory rogados para sealo por el señor testador: Don Joaquin Bolado, Don Fernando Lopez, Don Juan Gallo Aleantara, Don Manuel de Urresti, y Don Bernardo Gomez, todo vecinos de esta ciudad á los que y al señor testado

doy fé, conosez y de que el ultimo segun su va sonamiento esta enteresano juicio y entendimiento natural, de que certifico y firmo yo, dicho escribano, con los testigos que saben.

GREGORIO GONZALEZ ARAOLA,
JOAQUIN JOSE BOLADO,
FERNANDO LOPEZ,
BERNARDO GOMEZ,
JUAN GALLO ALCANTRA.

Ante mi,

D. TOMAS C. AGUERO.

Y ais mismo certifico y doy fé; que por dichas señoras, madre é hijas, de ha ecrevido tambien ante mi un testimonio que cogniado á la letra és del tenor siguiente:

Testimonio.

Nosotro los infras exgintos Don Ricardo S. Hackley, consul de los Estados Unidos en San Lucar de Barrameda, y Don Gregorio Gonzalez Araola, director de la real compania de navigacion del Guadalquivir, de clasa mortenes, hecho y hacernos por el presente trasto y sociedad de industria y comercio, en la mas perfecta armonia, tocante á los terrenos que hemos comprado y adquiiido en las dos Florida occidental y oriental, y son los que estan correjirendidos en la demarcacion de la real cedula de S. M., de nueve de April de este ano, á saber, desde la voca del rio Perdido y de su bahia en el golfo de Mejico, siguiendo por la costa del mar entran en la bahia de Buen Socorro, y de la Mobila, y continuando por la margen del rio de la Mobila, sabir, hasta la linea limitrofe de los Estados Unidos, y corriendo por ella hacia el este, bajaná bascan el origen del rio Perdido y punto de donde emperano; y ademas el terreno que hoy bajando por el rio de la Mobila y su bahia, y siguiendo la costa del mar hacia el oeste, con todas las entradas, calas é yslas adyacentas, que pertenecen á la España en la época presente, hasta llegan á la linea del oeste de los Estados Unidos, y sabiendo por ella hasta la linea del norte, correa por ella hasta el rio de Mobila, con todas las tierras vacantes que correspondente en el dia, ó puedan corresponder á la España en la actualidad, y estan en disputa ó reclamacion, con los Estados Unidos, segun el tenor de los tratados, y asi mismo todas las tierras vacantes y no concedia á otro particular, que estan comprendidas entre el rio Hijuelo en la Florida oriental, y el de Santa Lucia, tirando una linea recta desde el nacimiento del uno al del otro, y siguiendo la costa de Mejico, desde la embocadura del rio Hijuelo, hasta la puenta de lancha, y doblando esta seguir por la costa del golfo de Florida, hasta la embocadura del rio de Santa Lucia, con todas la ysla y cayo adjacentes, que és en sostancia lo que señala la real cedula de S. M. concedida á fabor y en nombre de Don Pedro Vargas, tesorero de la real caja y patrimonio, seguen convenio que teniamos hecho de modo, que todas las tierras que por esta concession y compras subiquiente nos corresponden, ó pueden corresponden,

en lo successio, son de asseveran perfecta mancomunidad bajo las condiciones siguentes: Primera, se obliga Don Ricardo Hackley á practican todas las diligencias necessarias *dno* del gobierno y tribunales de los Estados Unidos, para tomar posecion de las tierras ventilla y aclarar el de recho que tengamo á todas las concedidas, y sacar el mayor partido *paible* de la concesion por sa poblacion y cultibo. Segunda, Araola se obliga por sa parte á vencer todas las difficultades que se ofrescan en España y conseguir mas tierras si és posible para ambos. Tercera, la particione de todos esto terrenos y demas que puedan porcer mancomunidamente se harian por medio de las divisiones naturales de rio Arroyo y montes que ofresca el terreno, esperando el numero de acres que contenga cada una y totalidad de primera, segunda, ó tercera suerte. Cuarta, si se vende alguna parte de dichas tierras de consentimiento de ambos para los gasto comunes, ó dar á las otras mayor valor, lo producto de las ventes y de las utilidades del terreno restante se repartiran á partes iguales entre los dos; pero si logue se vendiere fuere solamente para utilidad de uno de les socios en particular los producto de las ventas, ó del cultibo del terreno restante, se repartiran á prorrata, *descontando á se repartiran á prorrata*, descontando á fabor del socio que no lo vendidio una cantidad igual á la que le habiera, pro decido aquel mismo terreno en iguales circumstancias, si no se habiera vendido de cuenta del otro socio. Quinta, baja esta condicion cada uno de los socios podra vender sin necesidad del consentimiento del otro hasta la mitad del total de tierras que correspondera cada una por este contrato, dandose parte uno á otro de la cantidad de tierras que determina vender y vende, y manifestanda se copias testimoniados de las escritura de venta ó contratos que celebraren para su gobierno reciproco. Sesta, estas ventas de *acticad* particular de cada socio se deberan haces precisamente, promediando las calidades de terrenas de cada suerte ó divisione, de manera que nunca se hagan solo de una ó de la mayor calidad, si no que se dividiran los terrenos vendibles en tres partes, á saber, un tercio de primera calidad, otro de segunda, y otro de tercera; y se han de incluir siempre en toda venta particular iguales partes de cada calidad, sacando certificaciones legales de haberlo au egecutado por estimacion de peritos, y entregandolas al socio que no participo de la venta para en gobierno. Septima, todos los anos, una ves y siempre que uno á otro se lo pida y fuere necesario, se daran cuenta formales y documentada de todo lo egecutado y vendido des de la ultima cuenta anterior. Octava, por lo demas, deviendose mutuamente ambo socio la mayor confiansa uno á otro, podran tomar separadamente siempre que sea necesario todas aquellas disposiciones general que convenga para el mayor valor y adelantamiento del terreno de ambo, haciendo trato cesiones ó ventas notoria y figamente, utiles y provechora á los dos socios, ó de beneficio comun, del total terreno, obligandose cada uno por su parte á confirmarlas, aprobarles, y para por ella en este caso, pero no en el de su utiles á un socio solo; pues entonces no se entendian confirmadas y aprobadas anodas su consentimiento, y quedarian sugestas á lo pactado en la condicion cuarta de este contrato. Otrosi, declaramos que las tierras que nos corresponden, tambien y cuyo derecho tenemos que

reclama ante los tribunales que convenga sobre las concessiones hechas por el Rey, al Conde de Punon Rostro, y Duque de Alagon, en las mismas Florida, y las que consignamos en la provincia de Pejas, si se consigue entran *cuverte* mismo trato y sociedad por partes iguale, y bajas las mismas condiciones. En fé de lo cual no damos este verguando firmado de ambos. En Madrid, á dies de Abril de mil ocho cientos diez y ocho. RICARDO S. HACKLEY,
GREGORIO GONZALES ARAOLA.

Esta rubricado.

Recibo.

Yo, lo infrascripto, confiero que he recibo á varias veces de Don Gregorio Gonzales Araola la suma de veinte y cuarto mil y quiniento reales de vellon, prestado por mi uso en cual sumo estoy el deadon de este Señor convinteres hasta su reintegra y por que au costa he firmada el presente en Madrid, en el dia de dies y neuve y ocho. Por veinte y cuarto mil quinientos. RICARDO S. HACKLEY.

Esta rubricado.

Otra.

Madrid, cuarta del mes de Setiembra, mil ochocientos treinta, digo, dies y ocho. Confiso que he recibido á various veces ó en dinero ó en letras aceptado de Don Gregorio Gonzales Araola, la suma de treinta y un mil pietecientos *S. von* en cual hema estoy á dor de dicho señor con el enteres con el interos hasta su seintegro, y por que au consta, he firmado el presente. Treinte y un mil tresciento *S. von.*
RICARDO S. HACKLEY.

Esta rubricado.

Concuerda con que convenio y recibos originales, que para este fin se *ceuirevon* ante mi, y devolir á la parte conviente de que doy fe, y á que me remito. Y deve pedimento yo, D. Ildefonso Salaya, del consejo de S. M., su secretario honorario, notario de los reynos del ilustre colegio de esta corte, &c., signo y firmo en Madrid, á cuatro de Septiembre, de mil ochocientos treinta y cuarto. Fiere ignus.
ILDEFONTO DE SALAYA.

Segun que asi resulta de dicho documentos ecrividos que rubricados por mi, el esc'no volvieron á recogen las exmeradas s'ras, madre é hijas, quienes firmeran por un ecrivicion, grecibo y á su insta. les doy el presente testimo. en Cordova, á primero de Abril de mil ochocientos y cincuenta. TORAMASA GRANADOS DE ARAOLA,
MARIAS DE LOS PAZ GONZALEZ ARAOLA,
CELESTINA G. ARAOLA,
MARIANO BARRON.

Droy con papel veinte y nueve rs. y diez y ocho maravedias.

Los infrascriptos ecrivenos publicos del numero desta ciudad—[L. S.] de Cordova, certificamos y demos, y que Dn. Mariana Barron, por quien resulta dado, signado, y firmado el testimonio que antecede, és asi mismo mi escrivano de este propio numero, y á los documentos

autorizados por el referido de esta forma que lo esta el anterior seleyda entera fé y credito judicial y extrajudicialmente, y para que conste donde convenga, ponemos la presente, sellada con el de nuestra colegio en Cordova, á primero de Abril de mil ochocientos y cincuenta.

MANUEL LLOVERTE,
ANTONIO BASSORO,
MAN'L DE CARDENA CASTILLO.

Leg. y tres signos dies S.
[SEAL.]

Translation No. 8.

The undersigned, one of the number of public escribancs of this city of Cordova, do certify and attest, that on the day of this date, Señora Doña Tomasa Granada de Azaola, widow of Señor Don Gregorio Gonzales de Araola, and her daughter Doña Maria de la Paz, and Doña Celestina Gonzales Araola y Granado, spinsters over the age of twenty-five years, all of whom are at present residing in this said city, in Santa Marta street and parish of St. Andrew; exhibited before me a certified copy made by Don Emeterio de Cacho, notary of the kingdoms, and one of the number of the city of Santander, dated 22d June, 1833; and legalized by Don Pedro Fernandez Hieto and Don Tomas C. Agunela, also royal escribano of the number of said city of Santander, in relation to the will of said Don Gregorio and of the inventory of his property made after his death. The heading, two of its clauses, and foot of said will copied literatum, are as follows:

Heading.

In the name of Almighty God, amen. I, Don Gregorio Gonzales Araola, native of the city of Burgos, at present in this city of Santander, on his way to Madrid, professor of natural sciences of the royal laboratory of Madrid; knight pensioner of the royal order of King Charles the Third, of the council of his majesty, officer in the secretary office of despatch, for the improvement and protection of the kingdom, decorated with other commissions of the government, within and out of Spain; legitimate son of the legitimate matrimony of Don Silvestre and Doña Donniano Araola de Bergina, both late of the said city of Burgos, being by divine disposition dangerously sick, but of complete and sound mind and memory, and natural understanding, believing in the high and inefable mysteries of the most Holy Trinity, Father, Son and Holy Ghost, who though three distinct persons are one only true God, and in the other mysteries which are held and confessed by our Holy Mother, the Catholic Apostolical Roman Church, in whose true faith and belief I have lived, now live, and profess to live until I die, as a Christian Catholic; taking as my intercession and advocate the most serene Queen of the Angels, our Lady, Holy Mother of God. And as my mediator my holy guardian angels of my name and devotion, and others of the heavenly Court, that they may

entreat the Redeemer of the Universe, who through the infinite merits of his precious Life, Passion, and Death, may forgive my sins and carry my soul to enjoy his divine presence.

And fearing death which is natural to all beings, as well as its hour uncertain, in order to be prepared when that hour shall arrive, by making testamentary disposition, and to avoid with clearness the doubts and altercation which might occur; and that the worldly cares might not serve as an obstacle in my carnate prayers to God for the remission of my sins, I ordain my testament and last will in the following manner.

"Clause."

For just considerations, and desiring to give an unequivocal proof to my said wife, Doña Tomasa Sancho Granado, of the love I have for her, as well as in gratitude for the loving kindness with which she has comforted and assisted me, I do, in virtue of legal rights, bequeath unto her one fifth of all my estate, rights and actions, and of any other future acquisitions, so that by taking the some from the amount of my inheritance she may dispose of it as belonging to her legitimately.

Another.

And after fulfilling and satisfying every disposition contained and already mentioned in this will, of the remainder of my estate, rights, actions, and future accquisitions, I institute and name the said Doña Maria de la Pez and Doña Celestina de las Dolores Gonzalez Araola Sancho Granado, my legitimate, (as also of my said wife,) daughter, the only and universal heiressess, that they may inherit and enjoy the same with the blessings of God and mine.

And by these presents I revoke and annul, and pronounce as null and of no value, all other testaments, codicils, powers to make wills, memoirs which I may heretofore have made, either written or verbal, or otherwise, so that no value shall be attached to them, either in judicature or thereout, except the present testament and last will, which I desire shall be carried into effect as my last will in due form of law. The which I grant and sign in presence of the royal escribano of the sub-delegation of the revenue of the province, one of those of the number in *whom I have,* in whom I place the greatest confidence, and to be recorded in one of the offices of the city of St. Santander, this 30th of March, 1833; being witnesses at the request of testator, Don Joaquin Bolado, Don Fernando Lopez, Don Juan Gallo Alcantara, Don Manuel de Urresti, and Don Fernando Gomez, all residents of the city, all of whom are well known to me as well as the testator, who appears to be of sound mind and natural understanding, which I, said escribano, do attest and sign with the witnesses aforesaid.

GREGORIO GONZALES DE AREOLA,
JOAQUIN JOSE BALADO,
BERNARDO GOMEZ,
JUAN GALL ALCANTARA.

Before me,

D. TOMAS C. AQUERA.

And I also certify and attest, that the said mother and daughters have exhibited also to me a duly certified instrument, which being copied verbatim, is as follows:

Instrument.

We, the undersigned, Don Ricardo S. Hackley, consul of the United States at San Lucas de Barremedo, and Don Gregorio Gonzales de Azaola, director of the navigation company of the Guadalquiver, declare to have formed, and by the present agreement do form, an industrial and commercial partnership, in the most perfect harmony, in relation to the lands which we have purchased and acquired in West and East Floridas, being the same which are mentioned in the royal patent of his Majesty of the 9th of April of this year, to wit, from the mouth of river Perdido and its bay, in the Gulf of Mexico, continuing along the seacoast up to the entrance of Buensocorro and Mobile bay, and thence continue the margin of Mobile river as far as the boundary line of the United States, and thence running eastwardly along same line, descend to the source of the river Perdido and point of commencing; and also embracing the lands there are descending the river Mobile and its bay; and thence towards the west, embracing all the inlets, creeks, and bays, and the adjacent islands, appertaining to Spain at the present time, up to the western line of the United States; and thence following the latter up the river Mobile, including all the vacant lands that now belong, or may belong, or are claimed against the United States, according to the tenor of the treaties, as also all the vacant lands which have not been granted to any other person, embraced between river Hijuelos, in East Florida, and the river St. Lucia, striking a direct line from the source of one to the source of the other; and thence following the coast of Mexico from the mouth of river Hijuelos to Punta de Sancha, and after doubling the latter to follow the coast of the Gulf of Florida up to the mouth of Saint Lucia river, including all the adjacent islands and keys, which are in substance the boundaries expressed in the royal patent issued by his Majesty in favor and in the name of Don Pedro Burga, treasurer of the public chests and patrimony, according to agreement we had entered into, so that all the lands which by this concession and subsequent purchases now belong, or may hereafter belong, appertain to us jointly, under the following conditions:

First. Don Ricardo Hackley binds himself to act and take all the necessary steps near the Government and tribunals of the United States, to obtain possession of the land, clear up and make out the right we may have to all those granted, and to obtain the greatest possible advantages out of the concession by means of its settlement and cultivation.

Second. Azaola on his part binds himself to overcome all the difficulties that may arise in Spain, and to obtain more lands, if possible, for both of us.

Third. The partition of all these lands, as well as of others they

may possess conjointly, shall be made by means of the natural divisions of rivers, rivulets, and woods, they are susceptible of, setting forth the number of acres each and [every division] may contain, and its quality of first, second, third, and fourth rates.

Fourth. If any part of said lands should be sold by the consent of both for common expenses, or to enhance the value of the others, the proceeds of the sales and the profits of the remainder of the lands shall be equally divided between the two; but if that which should be sold be solely for the special benefit of one of the partners, the proceeds arising from the sales, or the avails of the culture of the remainder of the lands, shall be divided pro rata, discounting therefrom in favor of the partner who did not sell a quantity of land equal to that which the same would have produced under similar circumstances if it had not been sold on account of the other partner.

Fifth. Under this condition each one of the partners shall have power to sell, without the consent of the other, one-half of the whole of the lands belonging to each one by this contract, and the one who may intend to sell, or actually sell, shall report to the other the quantity of lands so sold, by exhibiting certified copies of the conveyances and contracts made for their reciprocal government.

Sixth. The sales for the special benefit of each partner shall be made in equal parts according to the quality of each lot or division of said lands so to be sold, so that the same be not made entirely of one or of the best quality, but they shall be divided into three parts, to wit, one-third first rate, one-third second rate, and one-third third rate, and in all private sales there shall always be included equal parts of each quality; and to obtain legal certificates from persons well skilled in such matters that it has thus been done, and furnish the partner who did not participate in the sale with the same for his government.

Seventh. Once every year, or whenever it shall be required of each other, and it should be necessary, they shall render proper accounts and documents of all doings and sales made since the rendition of the last account.

Eighth. As for the rest, both partners having mutual confidence in each other, they can take separately whenever it may become necessary, all those general powers and authority which might be requisite to increase the value and improvement of the land belonging to both of us, by making treaties, cessions, or sales positively profitable and advantageous to both partners, or of common benefit to the whole of the lands, each one binding himself on his part to confirm and approve them in such case; but if the same should be made for the special benefit of one of the partners only, then they shall not be understood as confirmed, approved of, without consent, and shall be subject to the fourth condition of this agreement.

Again, we agree also, that the lands, the right of which we have to claim before the tribunal that may avail, founded upon concessions made by the King to Count Punon Rostro and the Duke of Alagon, in the Floridas, and those we may obtain in the province of Texas,

and if successful shall be embraced in this agreement of partnership, as belonging to us in equal parts under the same conditions.

In testimony whereof we grant these presents, signed by both.

Madrid, tenth of April, one thousand eight hundred and eighteen.

RICARDO S. HACKLEY,
GREGORIO GONZALEZ AZAOLA.

"It is rubricated."

Receipt.

I, the undersigned, acknowledge to have received at several times from Don Gregorio Gonzalez Azaola, the sum of twenty-four thousand and five hundred reals of vellon, loaned me for my use; for which sum, and interest thereon, until paid, I stand indebted to him, and as evidence of the same, I sign this in Madrid, the nineteenth day of August, one thousand eight hundred and eighteen.

"It is rubricated." RICARDO S. HACKLEY.

Another.

Madrid, fourth day of the month of September, one thousand eight hundred and thirty, I say eighteen: I acknowledge to have received from Don Gregorio Gonzalez Azaola, at several times, in money and accepted drafts, the sum of thirty-one thousand and seven hundred reals de vellon; of which sum and interest I stand indebted to him until paid, and as evidence of the same I have signed this.

RICARDO S. HACKLEY.

"It is rubricated."

The foregoing agrees with the original contracts and receipts which, for this purpose, were produced before me, and to be returned to the parties who then produced them, which I attest and refer to; and by request of the parties, I, Don Ildefonso Salaya, of the council of his Majesty, his honorary secretary, notary of the kingdom, and of the illustrious college of this court, &c., I sign and affix my signet to the same at Madrid, on the fourth of September, one thousand eight hundred and thirty-four.

"One signet is affixed."

ILDEFONSO DE SALAYA.

And said documents, thus exhibited and subscribed by me, were again returned to said mother and daughters, who signed for the exhibition and receipt of the same, and at their request I sign this certificate, at Cordova, on the first of April, one thousand eight hundred and fifty.

TOMASA GRANADO DE AZAOLA,
MARIA DE LA PAZ,
GONZALEZ AZAOLA,
CELESTINO G. AZAOLA.

[Place of signets.]

Fees with paper, twenty-nine reals and nineteen maravedis.

MARRIANO BARROSO.

We, the undersigned public escribanos of the number of this city of Cordova, certify and attest, that Don Mariano Barroso, who has signed and affixed his signet to the foregoing certificate, is also an escribano of the same number; and to all documents authorized by him in the manner of the preceding one, full faith, and credit are given in judication and otherwise. And that it so appear wherever it may avail, we grant these presents, and affix the seal of [the] college at Cordova, this first of April, one thousand eight hundred and fifty.

Signet. MANUEL L. CORENTI.
Signet. ANTONIO BARROSO.
Signet. MANUEL DE CARDENAS CASTILLO.

Three signets, ten reals.

[Place of seal.]

The plaintiff then offered in evidence the following paper, marked No. 9. The plaintiff objecting to the admissibility of said paper in evidence as regards Hackley, as there is no proof of Azaola's authority to represent said Hackley in said act, and the court allowing said paper to be read in evidence, the plaintiff excepted to said court's ruling aforesaid, and hereby insists on said exception.

Doc. No. 9. *Deed of* 30 *June*, 1820, *Duke of Alagon to R. S. Hackley.*

[SEAL.] [SEAL.]

En la villa de Madrid, á treinta de Junio de mil ochocientos veinte, ante *ante* mi, el escribano de camara, notario de los reinos, y testigo que se diram, comparece son de una parte Don Vincente Murrilo y Monte, vecino de esta cortes, contador secretario de la empera de canale de Manganares, como apodirado general del e'mo señor Duque de Alagon, segun *au comta* de los otorgados ante mi, el ynfrascripto, con fedra doce de Marso de este año, que en este acto se me han ecrivido y de ser bastante para lo que sedira, doy fé, y de la otra Don Gregorio Gonzalez de Araola, residente en esta cortes, y representante de Don Ricardo S. Hackley, domiciliado en Richmond, en los Estados Unidos de America, á virtud del papel de sociedad, firmado por ambos, con fedra die de Abril de mil ochocientos diez y ocho, el cual igualmente se me ha ecrivido, y dijeron que por real orden de fecha dies y siete de Diciembre de mil ochocientos dies y siete, en consideracion á los distinguidos meritos y serviosos de dicho ex'mo señor Duque de Alagon, se digno el Rey (Dios le guarde) cederle el terreno inculto que no se hallasa cedido en la Florida Oriental, sito entre las marginas de los rios Santa Lucia y San Juan, hasta sus embocaduras en el mar, y la costa del golfo de la Florida, é ysla adjacente, en la embocadura del rio Hijuelos, por el grado veinte y seis de latitud; siguiendo su orilla isquierda, hasta su nacimiento, tirando una linea á la laguna Valdes, costando por otra linea desde el extremo norte de esta laguna hasta el nacimiento del rio Amarrima, siguiendo la orilla derecha hasta su embocadura

por los veinte y ocho grados y veinte y cinco minutos de latitud, y continuando por la costa del mar con todas sus yslas adjacentes, hasta la embocadura del rio Hijuelos; cuya cesion de dichos terrenos fin en plena propiedad para si y sus herederos, con la facultad y permiso de poder introducir negros para el cultivo y travajos de las tierras libre de derechos, teniendo presente S. M. al conceder dicha gracia *aran* interesante hera á la nacion que se dicien á grandes capitalistas los terrenos incultos, con el fin de que se problaren y cultivaren que hera el principal objeto del Rey, por conocer las considerables ventajas que en ello resultan; que tan luego como acepto dicha cesion el nominado e'mo señor Duque, empero á tratar y conferenciar como lo hoir largamente con el citado Don Ricardo S. Hackley, residiendo en aquella epoca en esta cortes, y forma de realisan el demonte y limpia de parte de dichos terrenos, para en seguida emprender la revedificacion de edificios y consiguiente poblacion, como para la introduccion de negros, que para ello si hacia indispensable y cuantiosos desembollos que havia que hacer, sobre lo cual el Don Ricardo S. Hackley, vajo la dominacion de Ricardo S. Hackley y compania, presento un pliego de condiciones vajo de ciertas vases, con fedra primero de Enero de mil ochocientos diez y ocho, y aunque en la mayor parte estaban conformes y combenidos, no llego el caso por entonces que se elevase á hasta va publica, didio, tratado, y combenio, y por lo mismo an, las cosas y imperjuicio de continuar, como continua, son conferenciando sobre ello, con el plausible objeto de que á la mayor posible brevedad, tubieren en parte las justas y beneficas intenciones de S. M., su decrida cumplimiento el ex'mo sr. Duque, animado de los mismos sentimientos, con fecha veinte y siete de Febero de dicha año de mil ochocientos diez y ocho, y por ante [mi,] el ynfrascripto, confirio sus amplio é ilimitados poderes á Don Nicola Garrido, para que comtiluyendose en aquellos dominios tomase y aprendiese posesion de los esperados terminos cedidos por S. M., administrandolos, rigundoles y governandolos en los terminos que mejor le pareciese, conpriendole para ello y demas casos y cosas que pudieron occurir las facultades mas amplias, y comtilisido efectivamente el nominado Don Nicolas Garrido, en la ciudad de San Augustin de la Florida, y manifestando los poderes y facultades con que estava autorisado, se le dio la posesion real, corporal, vel cuasi, y en forma, de dichos terrenos por el Señor José Coppinger, coronel de los ejercitos nacionales, governador politico y militar, y sub-delegado de la hacienda publica en dicha ciudad y en provincia, de que se estendio la competente acta por el escribano de aquel govierna, con fecha veinte y siete de Junio de dicho año de mil ochocientos dies y ocho, y dado de ello el competente testimonio; que haviendo contimado embargo conferenciando el ex'mo señor Duque y el Don Ricardo S. Hackley por si y nombre de su compania, sobre la abenencia y combenio de las bases sobre que meda el plan de primeros de Enero de mil ochocientos dies y ocho, despues de varias discusciones, tomando presente S. E. las particulares circumstancias y bastos conocimientos en la materia de que se trata, que concurren en dicho Don Ricardo S. Hack-

ley combinieron partiendo del plan ó pliego de condiciones en que S. E. cediese parte de los nominados terrenos á sr. Don Ricardo S. Hackley y compania, como asi lo livro por heritura que otorgo ante mi, el ynfrascripto, con fecha en esta corte á veinte y nueve de Mayo de mil ochocientos dies y nueve, por la que le cedio, renuncio, y traspaso, é hiso gracia y donacion, pura, perfecta, irrevocable, entre vivos, para siempre jamas, por si y á nombre de sus hijos, herederos, y subcesores, á favor de Don Ricardo S. Hackley y compania, domiciliado en Richemonde, en los Estados Unidos de America, todo el terreno que está comprendida desde la embocadura del rio Amarrisma, por su orilla derecha, hasta la fuenta de este rio, tirando una linea recta al rio San Juan, y subiendo por la isquierda de este mismo rio hasta la laguna Macaco, y desde la punta del sur de esta laguna, tirando una linea recta á las fuente del rio Hijuelos, vajando por su orilla derecha hasta la embocadura en el mar, continuando por la costes, con sus yslas adyacentes, hasta la embocadura del rio Amarrima, cuyos terrenos son de los comprendidos en la gracia de cesion hecha á S. E. por el Rey, (Dios le guarde,) por la real orden de dies y siete de Diciembre de mil ochociento dies y siete, reservandose en si, el ex'mo sr. Duque, en todo dominio y propiedad, los demas puntos y terrenos que espresamente ne se denominacion en la citada escritura de cesion de veinte y nueve de Mayo de mil ochocientos dies y nueve, aseguiando al propia tiempo S. E. que dicha cesion la hacia de su libre y espontanea voluntad, y en consideracion á las ventajas que en ello se prometra especialmente en el modo y forma de realizase la limpia, demonte y consiguiente problacion, punto que tanto interesa á vuestro govierno, y que habia ofrecido realisar inmediatamente el citado Don Ricardo S. Hackley y compania, conforme en un todo al plan de condiciones, de fecha primero de Enero de mil ochocientos diez y ocho, cuya cesion hiso S. E. al Don Ricardo S. Hackley y compania, en los terminos referidos; mas combenidos ambo reservadamentes en que mas adelante, y por medio de la correspondiente escritura, se habia de hacer cuatro partes de los terrenos cedidos á Hackley, á saver, el primero que habia de ser esclusivamente para el interesado ex'mo sr. Duque, lo habia de componer desde la embocadura del rio Hijuelos, subiendo hasta la laguna Macaco, y desde este por el rio San Juan hasta el frente de las fuentes del rio Romano, y vajando por este á la orilla isquierda de la Bahia Carlos, y las lineas de la costa hasta la embocadura del rio Hijuelos; y las tres cuartes partes restantes de terrenos, y de las cuales se habian de hacer precisamente tres suertes, ó partes iguales, lo compondrian desde la bahia Carlos, subiendo por el rio Romano, hasta el rio San Juan, y bajando por este á la laguna Valdez, y donde esta tirando una linea á las fuentes del rio Amarrima, vajando por el hasta su embocadura en el mar, y corrienda la linea de la costa hasta la bahia Carlos, estando como les tan unformer en realisar dicha particion, y *uni* instruida de toda de Don Gregorio Araola, no solo por las ordones é instrucciones que á su partida de España le *suminctro* sr. Don Ricardo S. Hackley, sino á las que ultimamente ha recivida por sus cartas

misivas, y à su virtud usando de ellas y de las facultades que por el mismo le esten conferidas, y tienan aceptados por el papel de sociedad, de fecha diez de Abril de mil ochocientos diez y ocho, y el Don Vincente Murrilla de las que la tiene delegadas su principal el ex'mo señor Duque de Alagon, por sus poderas generales de doce de Marsa ultimo, que queda citado ambos compareciento, estan prontos á realisala y otorgar sobre ella la competente escritura, y poniendolo en ejecucion por la presente, en la via y forma que mas haya lugar en derecho, curitos y savedores, del que en este casa respectivamente les compete y á sus principales otorgan que dedaran que la cesion de terrenos hecha por el ex'mo señor Duque de Alagon á favor [de] Don Ricardo S. Hackley y compania, por la escritura de veinta y nueve de Mayo de mil ochocientos diez y nueve, que queda citada y conforme á lo que anterior y posteriormente tenian tratado y comvenido entre si, dece sugenten deve subdividia en cuarto partes ó suertes, á saver, la primera que deve ser y entendiente en todo dominia, propiedad y esclusivamente para de ex'mo señor Duque de Alagon, la compondra el terreno situado desde la embocadura del rio Hijuelos, subiendo hasta la laguna Macaco, y desde esta con el rio San Juan hasta el frente de las fuentes del rio Romano, y vajando por este á la orilla isquierda de la bahia Carlos, y la linea de la costa hasta la embocadura del rio Hijuelos, y el resto comprendida desde la bahia Carlos, subiendo por el rio Romano hasta el rio San Juan, y vajando por este hasta la laguna Valdes, y desde esta tirando una linea á las fuentas del rio Amarrima, vajando por el hasta su embocadura en el mar, y corriendo la linea de la costa hasta la bahia, se haran tres suertes ó parte iguales, devicandose una para los gastos y desembolsos que indispensable merite, hay que hacen en llevar á éfecto la limpia, desmonte y consiguiente poblacion, y *umar esen* ello las intenciones del Rey manifistal veinte terrain antemente en la real orden de dies y siete de Diciembre de mil ochocientos diez y siete, por la que S. M. tuba á bien hacèr cesion de dicho terrenos al referida ex'mo señor Duque de Alagon; otra para el Don Ricardo S. Hackley y compania, y el otorgante Don Gregorio Araola, y la restante para Don Antonio Horrega, vecino de esta corte, en consideracion á la gratitud que le merece S. C. tanto por las cantidades que le és emdever como por los conocimientos que le ha sumitrado para el mejor escrito de la empera de la gracia, y que ha ofrecido continuarlos hasta que todo quede comiente y sobventado, estando todos conforme y combenidos en que por ahora continue el Don Ricardo S. Hackley y compania, administrando siguendo y governando por si, ó como mejor le pareciese, los terrenos que le fueron cedidos por el ex'mo señor Duque de Alagon, por la escritura de veinte y nueve de Mayo de mil ochocientos dies y nueve, componentes las cuatro partes que quedan designadas respecto la *senna* confiansa que de el tienen, y bastos conocimientos de que se halla adornados en la materia, estando muy satisfechos de que á su tiempo dará la divida cuenta de la direcion ó imbersion de todo; y el Don Gregorio Araola, por si y á nombre de su principal, el Don Ricardo S. Hackley y compania, renuncia, se separa, desiste y

aparta del recha y accion que tenice y havia adquirido por la referida escritura de veinte y nueve de Mayo de ochocientos dies y nueve, á los terrenos que por ella le fueron cedidos ; y solo acepto adquiere y para á su poder una de las tres cuartos partes de terreno que queda designado, que dando por consecuencia en esta parte tota nula de ningun valor y tal como si no ecristien en menos se hubiere otorgado la referida escritura de veinte y nueve de Mayo de mil ochocientos dies y nueve, y solo ha de tenen por firmo requira y subsistente la presente, la cual aceptan por si y á nombre de sus respectivos principales, no solo los otorgantes ex'mo el Don Antonio Horreya, que se halla en este acto presente, y si ha enterado cuio estentamente del contenido de esta escritura, tal y en la conformidad que en ella *serefiere*, entendiendose la respectiva cesion que garda hecha con todas las entredas y salidas de los terrenos, usos, costumbres, derechos, y servidumbres, que hasta ahora han tando y de hecho, y por derecho le han correspondido al nominado ex'mo señor Duque de Alagon para que cada uno respectivamente disponga de ello causo, cosa suya adquirida por justo y legitimo titula, como lo es esta escritura ; asegurando el otorgante, Don Vincente Murrillo y Montes, que su principal, el ex'mo señor Duque de Alagon, por las causas y raçones sentada le tocan y pertenecian ligitimamente los espresados terrenos, de los cuales no tiene hecha otra cesion que la que en parte queda anulada por este ynstrumento, su menos estan sujetos su responsables á ninguna larga su gravamen sobre lo cual ne tiene la menor nocion, y entiramente si dan poder y facultad, para que cada uno de por si, disponga de su parte como mejor le pareciese, y á la observancia y complimiento de todo obligan, y se obligan con todos los vienes imoble y varies, havidos y por haber ; para que se les compela á ello como si fuere por sentencia difinitiva, de *gecer* competente para da en autoridad de cosa jingada que por tal lo reciven, renuncian el suyo propio jurisdicion domicilio y vecindad, leyes, fueros, y derechos, de su favor, con la que prohive la general de ellas en forma ; y au lo dijiron, otorgaron, y firmaron, á quienes doy fe, conosca siendo testigos Don Juan Lopez, Don José del Rio, y Don José Blanco, vecinos y residentes en esta corte.

VINCENTE MURRILLO Y MONTE,
ANTONO HORIEGA,
GREGORIO GONZALEZ ARAOLA.

Ante mi, ROMAN LORENSO CALVO.

NOTA. Doy fé, que en dicho dia di copias iguales, enpliego del sello primero á intermedia del cuarto, de cuarenta maravedies.

Apoderado del ex'mo señor Duque de Alagon, y á Don Gregorio Gonzalez Araola.

CALVO.

NOTA. Yguàlmente doy fé, que en dicho dia di copia en los propios terminos y papel á Don Antonio Horiega.

CALVO.

NOTA. En virtud de mandamiento compulsorio fecha veinte del corriente, del señor Don Manuel Maria de Barnaldo, juez de primera instancia de esta M. H. V. refrendada del escribano del numero, justo de Candra, á pedimento de Dona Tomasa Granado, viuda de Don Gregorio Gonzales de Araola, he dado con esta fecha á continuacion de quel testimonio literal de este hastura en dos pliegos del sello primero é intermedio del cuarto de á quaranta maravedies. Madrid, veinte y seis de Junio de mil ochocientos cuarenta y tres.

CALVO.

Concuerda con el protocolo de escrituras publicas, que como escribano, notario publico de los reinos y del ylustre colejio de esta corte, pasaron ante mi, en el año pasado de mil ochocientos veinte, el cuyo registro ocupa desde el folio ochenta y cinco al noventa y uno, *viretto* inclusive de él, que original queda en mi poder, de que doy fé, y á que me remito; y para que conste donde convenga en virtud de esto mandamiento compulsorio del sr. Don Miguel Maria Duran, juez de primera instancia de esta M. H. V., su fecha ocho del coriente, refrendado del escribano del numero de ella, Don Santiago de la Granja, á pedimento del sr. Don Severn Takle Wallis, ajente comisionado y representante en esta corte del ex'mo señor secretario del ynterior del Govierno de los Estados Unidos de America, yo, Don Roman Lorenzo Calvo, del consejo de S. M., su secretario escribano de camara, en el tribunal supremo de guerra y marina, notario de los reinos, é individuo del ylustre colegio de esta corte, doy el presente, que signo y firmo en Madrid, á catorce de Enero de mil ochocientos cincuenta.

ROMAN LORENZO CALVO.

Legalizacion.

Los escribanos de S. M., notario de los reynos y del ylustre colegio de esta corte, que á que signaros y firmamos, certificamos y damos fé, que el sr. Don Roman Lorenzo Calvo, por quien otra dado y autorisado el anterior testimonio, és como se titula secretario de S. M., en escribano de camara, notario de los reinos é yndividua de dicho ylustre colegio, fiel legal y de toda confianza, y el signo y firma estampados el pie de su punto y letra, y los que acostumbra en todos sus escritos á los que siempre, se les ha dada y da entera fé y credito judicial y estrajudicialmente; y para que conste donde convenga, damos el presente, sellado con el nuestro colegio en Madrid, á veinte y seis [de] Enero de 1820.

[L. S.]

JOSE DEL PESAL GONZALES,
JOSE RENO,
JUSTO MORAJTA.

D. Miguel Maria Duran, majistrad honorario de la estad de Granada, y juez de primera inst'a de esta villa de Madrid, certifico, que los tres ex'mos por quienes se ha'la legalisad el anterior documento, son legales y de confiansa, y merecen fé y credito en juicio y fuera de el,

y para que conste doy la presente, que firmo en Madrid, á cinco de Febrero de mil ochocientos cincuenta.

MIG'L M. DURAN

Dies veinta y seis rs. vm.

D. José Francisco Morejon, regente de la audiencia territorial de esta capital.

Certifico y ac. d. Miguel Maria Duran, por quien esta puesta la anterior és como si titula, y la firma y rubrica, con que la autorizason al parecen de su pune y letra, segun en sus escritos acostumbra. Madrid, seis de Febrero de este año.

[L. S.] JOSE FCO. MOREJON.

Don Lorenzo Arrasola, cabellero gran cruz de la real distinguida orden Española de Carlos tercero, y de la Americana de Ysabel la catolica, ministro de gracia y justicia, notario major del reyno, &c., &c.

Certifico, que Don José Francisco Morejon, por quien se halla autorisado el anterior documento, és como si titula, regente de la audiencia territorial de este corte, y suya al parecen la firma puesta á su final; debiendo añadir á instancia de la parte interesado, que los notarios de esta corte no tienen sello, sino signo, usando de aquel unicamente el colegio de los mismosy para que conste lo firmo, en Madrid, á ocho de Febrero de mil ochocientos cincuenta.

LORENZO ARRASOLA.

Don Antonio Caballero, subsecretario del ministerio de estado, &c., &c.

Certifico, que D. Lorenzo Arraola, por quien se halla autorizad el documento que antecede, és tal ministro de gracia y justicias como se titula, y suya al parecen la firma puesta al final; y para que conste lo firmo, en Madrid, á diez Febrero de mil ochocientos cincuenta.

ANTONIO CABALLERO.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States of America, near the court of her catholic Majesty, do hereby certify, that the foregoing instrument of writing, authenticated under his hand and notarial sign, by Don Roman Lorenzo Calvo, notary public of Spain, duly commissioned and qualified, is a true copy of the original public record in the official custody of said Calvo, from which he certifies that it is taken; and that the same has been so authenticated by him on the application of the Secretary of the Interior of the United States, under the acts of Congress of February 22d and 2d March, 1849, in virtue whereof I give these presents.

And I do further certify, that the certificate of said Calvo, and the several official certificates following and authenticating the same,

are genuine, as they purport to be in due form and by the proper officers.

(L. s. Seal of legation.) As witness my hand and the seal of this legation, this 11th day of February, 1850.

D. M. BARRINGER.

Translation of Doc. No. 9, *deed. D'e of Alagon to R. S. Hackley*

In Madrid, 30*th June*, 1820.

Before me, writer to the bed chamber, notary of the realm, and the witnesses hereinafter named, appeared on the one part, Don Vicente Murrillo y Mo. te, resident of this city, accompting secretary of the enterprise of Manzanares canal, as general attorney for the Duke of Alagon, as appears by certain authorities executed before the undersigned, and bearing date the 12th of March, of this year, which in this act have been exhibited to me, and certified to be sufficient for what will follow, which I certify; and on the other part, Don Gregorio Gonzales de Azaola, residing in this city, and representing Richard S. Hackley, living in Richmond, in the United States of America, in pursuance of a partnership paper signed by both, and dated 10th April, 1818, which has likewise been exhibited to me, and say:

That by a royal order dated 17th day of December, 1817, in consideration of the distinguished merits and services of the Duke of Alagon, the King (whom God preserve) condescended to cede him the uncultivated land in East Florida, not then before ceded, lying between the banks of the river[s] Santa Lucia and St. John, to their entrance into the sea *into the sea* and the coast of the gulf of Florida, and isles adjacent, within the mouth of the river Hijuelos, in the 26th degree of latitude, following its left bank to its source, drawing a line to lake Macaco; thence descending the St. John's to lake Valdez, drawing another line from the extreme north of that lake to the source of the river Amarrima, following its right bank to its mouth, in latitude 28° 25, and continuing along the sea coast, with all the isles adjacent to the mouth of the river Hijuelos; which cession of said lands was in full property to him and his heirs, with power and permission to introduce negroes to clear and cultivate the lands free of duty, &c., &c. Being induced to make said grant by considering how important it was to to the interests of the nation to bestow upon men of large capital the uncultivated lands, to the end that they might be settled and cultivated, which was the principal object of the King, who was aware of the great advantage to be expected therefrom. That as soon as the said Duke accepted said cession, he determined to consult and confer, as he did, freely with the said Richard S. Hackley, at that time residing in this city, as well with regard to the means, method, and form of carrying into execution the clearing and improving of part of said land, in order to begin building and settling, as with regard to the introduction of negroes, which were indispensable for the object, and the expenses which it would be necessary to incur. Whereupon the said Richard

S. Hackley, in the name of Richard S. Hackley & Co , presented a paper of conditions on certain bases, dated 1st January, 1818; and although for the most part said conditions were proper and conformable, the matter did not at that time proceed so far as that the said treaty and agreement, and subjects therewith connected, were reduced to public writing, or prevented them from continuing, as they did continue, to confer thereupon, with the praiseworthy object of carrying into effect in part, with the greatest possible dispatch, the just and kind intentions of, &c., &c.; to accomplish which in the proper manner, the said Duke of Alagon, animated by the same sentiments, on the 27th of February, 1818, before me, the undersigned, conferred his ample and unlimited powers upon Don Nicolas Garrido, which empowered him in those dominions to take and assume possession of the aforesaid lands ceded by his M., as aforesaid, and to direct and govern them in the manner which to him should seem best to that end, and for other matters and occasions that might arise, conferring upon him the most ample powers; and the said Don Nicolas Garrido, having been actually constituted in the city of St. Augustine, in Florida, and having exhibited the powers and authorities with which he was invested, actual, real, corporal, vel quasi, possession of said lands was in due form given to him by Don José Coppinger, colonel in the national armies, civil and military governor, and sub-delegate of the public domain in said city and its province, whereof the competent act was extended by the notary of that government, dated 27th June, of said year, 1818, and the proper testimony thereof given. That the said Duke of Alagon, and the said Richard S. Hackley for himself, and in the name of his company, having continued to confer without interruption upon the arrangement and settlement of the basis upon which the plan of 1st of January, 1818, should proceed, after various decisions the said Duke of Alagon, bearing in mind the particular circumstances, and the best knowledge the said Richard S. Hackley possesses in the matter under consideration, it was agreed to deviate from the said plan or paper of conditions by which his excellency should cede, as part of the aforesaid lands to the said Richard S. Hackley & Co., as he did by a writing which he executed before me, the undersigned, dated at this city the 29th May, 1819, whereby he ceded, renounced, transferred, and made grant and donation, sure, perfect, and irrevocable, for him, his children, heirs, and successors, to the said Richard S. Hackley, of Richmond, in the United States; and comprises all the land from the mouth of the river Amarrima, by its right bank to its sources, drawing a line to the river St. John's, ascending by the left bank of said river to lake Macaco; and from the southern extremity of said lake, drawing a right line to the sources of the river Hijuelos, descending by its right bank to its entrance into the sea; thence along the coast with the isles adjacent to the mouth of the Amarrima, which lands are among those comprised in the grant made to the said Duke by the King, (whom God preserve,) in his royal order, dated 17th December, 1817. The said Duke, reserving to himself, in full dominion and property, all the other grants and

lands not expressly named in the aforesaid writing of cession of the 29th May, 1819; he declaring, at the same time, that he makes the said cession of his own free and spontaneous will, and in consideration of the advantages which he hopes to derive therefrom, in the mode and form of realizing the clearing and settlement of said lands, a matter of so much interest to our Government, and which the aforesaid Richard S. Hackley & Co. offer to realize at once in conformity with the entre plan of conditions, dated 1st January, 1818; which cession the said Duke made to the said Hackley & Co., in the terms aforesaid most proper; but, however, both having agreed between themselves privately in that thereafter, and by means of the proper writing, four divisions were to be made of the ceded land to Hackley, to wit: The first, which was to belong exclusively to the Duke of Alagon, was to be laid off from the mouth of the river Hijuelos, ascending to lake Macaco; and from thence by the river St. John to the edge of the sources of the river Romano, descending by this river to the left shore of the bay of Carlos, and the line of the coast to the mouth of the river Hijuelos; and the other three-fourth parts remaining, to be divided into three equal lots or parts, which was laid off as follows: From the bay of Carlos, ascending by the river Romano to the river St. John's, and descending by it to lake Valdez; from that drawing a line to the sources of the river Amarrima, descending it to its entrance; also following the line along the coast to the bay of Carlos; being, as they are, agreed in making said partition, and well informed of the whole, as is the said Don Gregorio Azaola, not only by the orders and instructions which at his departure from Spain he furnished the said Richard S. Hackley, but likewise by those which he afterwards received from him in his letters missive, and making use of them, and the powers which they conferred upon him by the same, and accepted by him in virtue of the partnership agreement, dated 10th of April, 1818, and Don Vicente Murrillo, making use in like manner, of those delegated to him by his principal, the Duke of Alagon, by virtue of his general powers, dated 12th March last, and heretofore cited; both parties appearing were ready to execute and authenticate the necessary instrument in the matter, and carrying the same into execution by these presents, in the manner and form most consistent with law, being certain and well apprised of what in that case was competent to them and to their principals; and by the instrument of writing they declared that the cession of land made by the Duke of Alagon to Richard S. Hackley & Co., by the instrument of writing, dated 29th May, 1819, which has been cited in conformity with what was before and afterwards treated of and agreed on between them, was to be, and was so understood by them to be, subdivided into four parts or lots, to wit, the first which belongs, and is understood to belong in full property, domain, and exclusively to the Duke of Alagon, composed of the land lying as follows: From the mouth of the river Hijuelos, ascending to lake Macaco, and from that point to the river St. John's to the front of the sources of the river Romano; ascending thence to the left shore of the bay of Car-

los, and the coast line to the mouth of the Hijuelos, and the remainder lying as follows: From the bay of Carlos, ascending by the river Romano to the river St. John, and descending that river to lake Valdez, thence drawing a line to the head waters of the Amarrima, going down it until it empties into the sea, and running the line along the coast to the bay of Carlos; this last was to be divided into three equal parts or lots, and to be devoted to pay the expenses, and cover the disbursement indispensably necessary to carry into effect the cutting down of wood, clearing of land, and settling it in pursuance of the intentions of the King, manifested very decidedly in the royal order of 17th December, 1819, whereby H. M. thought proper to cede the said land to the said Duke of Alagon, and he for Richard S. Hackley & Co.; and the aforesaid Don Gregorio Azaola, and the remainder for Don Antonio Horiga, resident of this city, in consideration of the gratitude which the Duke feels towards him, as well on account of the sums due him, as on account of the information which he has furnished for the better success of the enterprise of the grant, and of his having offered to continue them until all shall have been settled and arranged—all having acquiesced and agreed for the present, the said Richard S. Hackley & Co. shall continue to administer, direct, and govern by themselves, or as shall appear best to them, the lands ceded them by the Duke of Alagon, in the instrument in writing:

Dated 29th May, 1819, consisting of four parts, which are designated in view of the grant they have in him, (the said Hackley, and the particular circumstances, and vast information with which he is endowed in the matter, being well satisfied of the direction and disbursements of money, of which an account will be given at the proper time. And the said Don Gregorio Azaola, for himself, and in the name of his principal, Richard S. Hackley & Co., renounces, divides, and separates himself from all right or possession or action which he has or may have acquired by the aforesaid instrument of writing, dated 29th May, 1819, to the lands thereby ceded, and only accepts, acquires, and obtains forever over one of the three-fourths part designated, (giving consequently in this part not a jot of any value,) and such as if it had not existed; he would not the less have executed the aforesaid instrument of writing, of 29th May, 1819, taking it as a final decree, and existing by these *by these* presents, which not only the parties executing accepted for themselves, and in the name of their principals, but Antonio Horiga, who joins in the present acts, and who has been fully apprised of the contents of this instrument, such as it is, and in such conformity as therein referred to. The cessions respectively being understood, all the right of ingress, egress, and regress, to and from the land, and cedes custom, right and services, which to the present time, which heretofore have in fact and in right appertained to the aforesaid Duke of Alagon; to the end that each one respectively may dispose of the same as of their own property, acquired by just and lawful title as this instrument of writing. One of the parties, Don Vicente Murrillo y Monte, guaranteeing that his principal, the aforesaid Duke of Ala-

gon, for the causes and reasons set forth, the said lands belong to him, (the Duke,) and that he has made no other conveyance thereof, except that which is in part annulled by this instrument, and still less are they encumbered with, or responsible for, any charge or burthen to the best of his knowledge and belief. And they mutually give forever an authority to each, to dispose of his share as he may think best; and to the observance and execution of the whole, they bind themselves, with all their property and goods, in possession or expectation, in order that they may be compelled thereunto, as if the same were by the definitive sentence of the competent judge, passed upon an adjudged matter, and for such they shall take these presents, renouncing their own jurisdiction, laws, rights, domicil and neighborhood, and all advantages that might accrue therefrom, with the general law relating thereto; thus they say, do, grant, and sign, as I testify, in the presence of the following witnesses, Don Juan Lopez, Don José del Rio, Don Jose Baranco, and residents of this city.

VICENTE MURRILLO Y MONTE,
ANTONIO HORREGO,
GREGORIO GONZALES AZAOLA.

Before me,

ROMAN LORENZO CALVO.

Note. I certify that on the said day I gave exact copies of the above, sealed with the first and intermediate seal of a forty of a maraved. Paid to the attorney of the Duke of Alagon, and to Don Gregorio Gonzales Azaola.

CALVO.

Note. I also testify, that on the same day I gave a copy of the same description on paper to Don Antonio Horrega.

CALVO.

Note. In obedience to a compulsory mandate of *of* Manuel Maria de Burralto, judge in the first resort, in this most heroic city, dated 20th inst., and countersigned by the notary of the number licensed, Justo de Sancho, upon the petition of Dona Tomasa Sanche Granado, widow of Don Gregorio Gonzales Azaola. I had given with the date on two sheets, sealed with the first and intermediate seal of forty maravedes, Madrid, 26th June, 1843.

CALVO.

Agrees with the record [of] public writings, which as public notary of these realms, and of the illustrious college of this city, passed before me during the year 1820, in which registry it occupies from the 85th to 91st folio of it inclusive, which original remains under my charge, which I testify and refer to.

In testimony whereof, for the purposes required, and in obedience to the aforesaid compulsory mandate of Don Miguel Maria Duran, judge of the first resort in this most heroic city, dated 8th inst., and

2669.

countersigned by the notary of the licensed number of this city, Don Santiago de la Granger, upon the motion of Serinos Isabel Wallis, commissioned agent, and representative in this city, of the secretary of the interior of the United States of America.

I, Don Romano Lorenzo Calvo, of her Majesty's counsel, her secretary, notary of the court, in the supreme tribunal of war, and marine notary of the realms, and a member of the illustrious college of this city, give these presents, which I subscribe and sign in Madrid, 14th January, 1850. ROMAN LORENZO CALVO.

Legalization.

Escribanos of her Majesty's notario of the kingdom, and of the illustrious college of this city, who hereto affix our hands and signets, certify and attest, that Don Ramon Lorenzo Calvo, by whom the foregoing certified copy is authenticated, is as he styles himself secretary of her Majesty's secretary of chambers, and notary of the kingdoms, and member of the said illustrious college; that is faithful, legal, and entitled to full confidence, and the signet and handwriting affixed hereto is in his own handwriting, and such as he uses in all his instruments, to which full faith is and have always been given judicially and extra judicially.

In testimony whereof, wherever it may avail, we give these presents, sealed with the seal of our college, at Madrid, on the 26th January, 1850.

(Rubric) JOSE PEREZ MARTINEZ,
(Rubric) JUSTO MARAGETO,
(Rubric) JOSE EL PINO Y GONZALES.

I, Don Miguel Marie Duran, honorary magistrate of the territorial audience of Savannah, and judge of first instance of the city of Madrid, &c., certify, that the three escribanos, by whom the foregoing document is authenticated, are legal *are legal* and of confidence, and are entitled to faith and confidence in judicature and thereout.

(L. S. Seal of College) In witness whereof, I grant these presents, at Madrid, this 5th February, one thousand eight hundred and fifty-three.

Signed, MIGUEL MARIA DURAN.

Don Jose Francisco Morejona, regent of the territorial audience of the Capitol, certify, that Don Miguel Duran, by whom the foregoing is granted, is as he styles himself, and the signature and rubric with which he authenticates the same, are to all appearances in his handwriting, as he is accustomed to do in his writing. Madrid, 6th February, of this year.

Sighed JOSE FR. MOREGON.

I, Don Lopez Arragona, knight, grand Cross of the royal and distinguished Spanish order of Charles the III, and of the American order

of Isabel the catholic, minister of grace and justice, principal notary of the kingdom, do certify, that Don Jose Francisco Morajoni, by whom the foregoing document is authenticated, is as he styles himself regent of the territorial audience of this city, and the signature and rubric attached thereto are his to all appearance; and I certify, also, at the request of the party interested, that the notaries of this court have no seal, but only a signet; the college only using the seal.

In testimony whereof I grant these presents, at Madrid, this 8th February, one thousand eight hundred and fifty.

Signed, LORENZO ARRAZOLA.

I, Don Antonio Cabbellero, secretary of the department of State, &c., certify, that Don Lorenzo Arazola, by whom the foregoing document is authenticated, is such minister of grace and justice, as he styles himself, and the signature affixed thereto appears to be his.

In testimony whereof I sign the same, at Madrid, on the 11th February, one thousand eight hundred and fifty.

Signed, ANTONIO CABELLRO.

(Here follows the certificate of Daniel M. Barringer, minister of the United States.)

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE.

And the defendant, to show the date when the Spanish Government determined to authorize the offer of the cession of the Floridas to the United States, read in evidence the following paper, marked 10.

Document No. 10.

Primera secretaria del despacho de estado:

Don Pedro Jose Pidal, Marques de Pidal, caballero gran cruz de la real y distinguida orden de Carlos tercero, disputado á cortes, primer secretario de estado y del despacho, &c., &c., &c.

Certifico, que por las instrucciones, dadas por el Gobierno Español al ministro plenipotenciario de S. M. en los Estados Unidos de America, D. Luis de Onis, con fecha veinte y siete de Agosto de mil ochocientos diez y sieste, cuya minuta existe en el archivo del ministerio de mi cargo, se autorizo por primera vez á dicho plenipotenciario para hacer al Gobierno de los Estados Unidos la proposicion de que la España le cederia las Floridas en cambio de otras concessiones que hiciera la Republica al Gobierno de S. M.

Y para que conste y *obre* los efectos convenientes, á instancia del sr. ministro del ynterior de los Estados Unidos, expido por duplicado la presente, firmada de mi mano, y sellada con el sello de este ministerio, en Madrid, á siete de Marzo de mil ochocientos cincuenta.

{Primera secretaria de estada. L. S.}

PEDRO J. PIDAL.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States, near the court of her catholic Majesty, do hereby certify, that the aforegoing certificate of his excellency, the Marquis of Pidal, her catholic Majesty's secretary of State, is genuine, in due form, and by the proper officer. In testimony whereof I have hereto set my hand, and affixed the seal of this legation, this 11th day of March, 1850.

[L. S.] Legation. D. M. BARRINGER.

Translation.

I, Don Pedro Jose Pidal, Marquis of Pidal, knight grand cross of the royal and distinguished Spanish order of Charles III, and deputy to the cortes, secretary of State, &c., &c.

Certify, that by the instructions given by the Spanish Government to Don Louis de Onis, the minister plenipotentiary of H. M. in the United States of America, under date of August 27th, 1817, whereof the minutes exist in the archives of the department under my charge, the said plenipotentiary was for the first time authorized *for the first time* to propose to the Government of the United States that Spain should cede to it the Floridas in exchange for other concessions to be made by the Republic to the Government of H. M.

And that the same may appear, and for the purposes for which it may avail, at the request of the secretary of the interior of the United States, I execute these presents in duplicate. Signed by my hand, and sealed with the seal of this department, in Madrid, this 7th day of March, 1850.

[L. S.] PEDRO J. PIDAL.

And defendants then read in evidence certain extracts from the diaries or journal of proceedings of the corte to show the power and the action of the cortes; which passages from said journal, except the following, are to be omitted, by assent of the parties, from the transcript of record in this case on the writ of error, and are to be ready, along with any others from the books themselves, on the hearing on error of the cause.

"*Translation.*"

Extracts from pages 334 and 335, an account of the following report of the finance committee has been given:

"The Secretary of the exchequer informs the Cortes for such action as they may deem fit, respecting the privileges which have been granted since the year 1816, to import flour into the island of Cuba and other ultra marine countries under foreign flag, and to return to the peninsula and to Europe the value or proceeds thereof in colonial produce, subject to no other duties than those charged under the Spanish flag, and, in some instances, with a deduction and an entire exemption of them. The annexed extract gives an idea of the scandalousness of these privileges, and of the monstrous compromises which have

been made to take them up at a cost of more than one million of dollars disbursed by the national treasury at Havana."

Extract from page 339.

Another grant is that made to Don Pedro de Vargas, to export from Spain and import into the island of Cuba 200,000 barrels of flour in foreign vessels, free of duties, and to return the proceeds thereof with the duties thereon paid by Spanish vessels, and also to import into the same island 300,000 barrels of foreign flour by paying half of the duties on the same.

An effort was made at Havana to cancel this grant by an offer of $55,000, but the agent of Vargas not agreeing for less than $60,000, the intendant reports the same under date of 24th February, 1820, for your royal action thereon, and states that, nevertheless, he goes on making monthly payments, so that by the end of 1820 he will have received the whole amount.

And, lastly, on the 5th January, 1819, permission was granted to the Duke of Alagon, for the benefit of the Manzanares Company, to import 50,000 barrels of foreign flour into Cuba, with the deduction of half of the foreign duties thereon, which grant was compromised at Havana upon the treasury of that place agreeing to pay $200,000 in four years, in yearly instalments of $50,000, *the* which was approved by resolution of the 2d of July, 1819.

Extract from page 342.

The committee of finance being informed of all, is not only of opinion that the measure taken by the Government relative to the suspension of the privileges and of the payments yet pending upon the compromise should be approved, but that the Cortes ought to declare them null and of no effect, as also null and without effect the other adjustments referred to.

Translation.—Defendant's document, marked No. 12.

"Order" annulling the privileges granted to several mercantile houses and private individuals since the year 1816.

MOST EXCELLENT SIR: We have given an account to the Cortes of the proceedings which, by the royal order, your excellency transmitted to us on the 13th of July last, relative to the privileges granted to Don Francisco Bringas, to the house of Gordon and Murphi, to Don Benito Patson, to Don Luis Clouet, to Don Pedro Vargas, to the Duke of Alagon, to the Marquis de Echandia, to Baron Kollie, and to Don Bertoldo Scheppeller, to import into the island of Cuba, and other ultra marine countries, flour and other foreign goods, under foreign flag, and to return to the peninsula and to Europe, in colonial produce, the amount of the proceeds of their sale, subject to no other duties than those paid under the Spanish flag, and in some instances with a deduc-

tion and an entire exemption of them; therefore, the Cortes being convinced that the said privilege operates injuriously against the State, and that to compromise and take them up the national treasury at Havana has disbursed over one million of dollars, have resolved to approve the measure adopted by the Government to suspend said compromise and the payments pending on said compromise, and to declare null and without effect, not only the said privilege granted since 1816, inclusive, but also the adjustment or compromise referred to. By order of the Cortes, we transmit the same to your excellency, so that upon it being reported to his Majesty, he will be pleased to order its fulfilment. God preserve your life many years.

Madrid, 11th of August, 1820.

DIEGO CLEMENCIN,
Deputy secretary,
JUAN MANUEL SUBIE,
Deputy secretary.

To the Secretary of State and finance.

Defendant's document No. 12.

Orden anulando los privilegios concedidos á varias casas de comercio y particulares desde el año 1816.

Exc'mo sr.: Hemos dado cuenta á las cortes del expediente que de real orden nos remitio V. E. en 13 de Julio ultimo, relativo á los privilegios concedidos á D. Francisco Bringas, á la casa de Gordon y Murphi, á Dn. Benito Patron, á Dn. Luis Clouet, á Dn. Pedro Vargas, al Duque de Alagon, al Marques de Echandia, al Baron de Kolli, y á D. Bertoldo Schepeller, para importar en la isla de Cuba y otros paises de ultramar, harinas y efectos extrangeros, bajo bandera tambien extrangera, y para retomar á la Peninsula y á Europe en frutos coloniales los valores que produjesen, sin mas derechos que los señalados al pabellon Español, y muchas veces con rebaja y franquicia absoluta de ellos. Enteradas de todo persuadidos de que los citadas gracias ceden en perjuicio notable del estado, y de que para transigirlas y recogarlas han desembolsado las cajas nacionales de la Havana mas de un millon de pesos, han resuelto aprobar las providencias dictadas por el gobierno para suspender dichas gracias y las pagos aun pendientes de las transacciones, declarando nullos y sin efecto, no solo los citados privilegios concedidos desde el año 1816 inclusivo sino tambien las transacciones de que se ha hecho merito. De orden de las cortes lo trasladamos á V. E., á fin de que dando cuenta á S. M. se sirva disponer su cumplimiento. Dios guarde á V. E. muchos años. Madrid, 4 de Agosto de 1820.

DIEGO CLEMENCIN,
Deputado secretario.
MANUEL SUBRIE,
Deputado secretario.

Señor secretario de estado y del despacho de hacienda.

And defendant then read in evidence the following certified copy of a royal order of 28th April, 1828.

Defendant's document No. 13.

(Gracia y Justicia.) Don Benito Gonzalez de Tejada, secretario de S. M., con ejercicio, y archivero del ministero de gracia y justicia.

Certifico, que en el expediente del archivo de Yndias, relativo á las concesiones de terrenos hechas por S. M. en las Floridas á los señors Conde de Punon Rostro, Duque de Alagon, y Don Pedro Vargas, cuyo expediente se custodia en el de mi cargo, se halla la real orden siguiente: Ex'mo señor, cuando el Rey, N. S., sirvo á bien poco tiempo hace condescender en el repartimento que de diferentes terrenos de sus dominios de las Floridas, pretendieron algunos de sus benemeritos vassallos fue en el concepto de que esta gracia no habiere de causar ningun perjuicio, y en calidad de usar de ella los agraciados con arreglo al sistema legislativo que rige en la materia como expresamente lo manifiesta S. M. en su propria concession, comunicada á de supremo tribunal, fasondole funtamente copias literales de sus respectivas solicitudas para su examen; en este estado, habiendo llegado á entender S. M. que la codicia solicita de los estrangeros comprendiendo la buena fé de los agraciados trata de entrar en negociaciones para apropiase en todo ó en parte de estas gracias á aprovechase de su beneficio, lo que si se verificara ademas de muchos inconvenientes politicos, podria occasionar grandes perjuicios á los mismos agraciados por la nulidad de sus contratas, no obstante su buena fé, para precaver S. M., tomanos males ha resuelto que por ese mismo supremo tribunal, por el que se han expedido las cedulas de concession, se prevenga á cada uno de los interesados en ellos los servicios precisos en que deben entendere conforme á la gracia misma, y explicandola para que la generalidad con que esta concedida de concedido su cuanto no se oponga á las leyes pueda dar misma lugar á interpretaciones; y haciendoles entender que no esta en su arbitrio el enagenalos particularmente á estrangeras, lo participo á V. E. de su real orden para la inteligencia del consel y en cumplimiendo de que dara cuenta á S. M. (Dios guarde á V. E.) Palacio, á veinte y ocho de Abril, de mil ochocientos dies y ocho.

JOSE PIGARRO,

Sr. Presidente del supremo consejo de las Yndias.

Y para que conste, en virtud de resolucion en vista de sus oficio del ex'mo sr. ministero de estado, doy la presente, que és copia fiel, verdadera, y conforme con el original, sellada con el sello de esta secretaria en Madrid, á veinte y cinco de Febrero de mil ochocientos cincuenta.

[L. S.] BENITO GONZALEZ DE TEJADA.

Don Lorenzo Arrazola, caballero gran cruz de la real y distinguida orden Española de Carlos tercero, y de la Americana de Ysabel la catolica, ministro de gracia y justicia, notario mayor del reyno, &c., &c.

Certifico, que Don Benito Gonzalez de Tejada, por quien esta autorizado el anterior documento és como se titula archivero del ministero de gracia y justicia, y de su puno y letra la firma que hoy al final, y para que conste doy la presente en Madrid, á veinte-ocho de Febrero de mil ochocientos cincuenta.

LORENZO ARRAZOLA.

Don Pedro José Pidal, Marques de Pidal, primer secretario de estado y del despacho, &c., &c.

Certifico, que la firma que antecede de D. Lorenzo Arrazola, ministro de gracia y justicia, y notario mayor del reino, és la que acostumbra usar en todas sus escritos oficiales, y que la comunicacion á que se refiere el archivero del ministero de gracia y justicia, fue hecha por esta secretaria á instancias del señor secretario de lo ynterior de los Estados Unidos; y para que asi conste, firmo la presente en Madrid, el primero de Marzo de mil ochocientos cincuenta.

[SEAL.] PEDRO J. PIDAL.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States, near the court of her catholic Majesty, do hereby certify, that the certificates aforegoing, of Don Benito Gonzalez de Tejada, Don Lorenzo Arrazola, and his excellency the Marquis of Pidal, are genuine, in due form, and by the proper officers, according to their purport.

And I further certify, that the instrument of writing to which the same are annexed, is a true copy of the original, from which it purports and is certified to have been taken, which exists among those public records of the kingdom of Spain, whereof Don Benito Gonzales de Tejada aforesaid has official custody, and of which he has furnished the said copy at the request of the Secretary of the Interior of the United States, communicated through his excellency the Marquis of Pidal, as in the certificate of the said last named officer is truly set forth.

In testimony whereof I have hereunto set my hand, and affixed the seal of this legation, this fifth day of March, 1850.

[SEAL.] D. *W.* BARRINGER.

Translation.—Defendant's document No. 13.

Arms of the Department of Grace and Justice.

I, Don Benito Gonzales de Tejada, secretary of her Majesty con egercicio, and keeper of the archives of the department of grace and justice, certify, that in the collection of documents from the archives of the Indies relating to the grants of lands made by H. M. in the Floridas to the Count of Punon Rostro, Duke of Alagon, and Don Pedro Vargas, which collection is kept in the archives under my charge, is found the royal order following:

"MOST EXCELLENT SIR: When the King, our lord, saw fit a short time since to condescend to make the distribution, which several of his

well deserving vassals solicited him to make, of different lands in his dominions in the Floridas, it was with the understanding that this gift was to cause no prejudice, (have no ill consequences,) and upon the condition that the parties to whom it was extended were to avail themselves of it in accordance with the legislative system governing the premises, as his Majesty expressly manifested in his very grant, communicated to your supreme tribunal passing to it, in connexion therewith for its examination, literal copies of the respective petitions. In this state of things H. M. having learned that the watchful cupidity of foreigners, imposing upon the good faith of the grantees, is seeking to enter upon negotiations, in order to appropriate to self the said favors (graces) in whole or in part, or to avail itself of the benefits thereof, which, if it were to take place, might, besides many political inconveniences, occasion a great prejudice to the grantees themselves from the nullity of their contracts, notwithstanding their good faith; his Majesty, in order to prevent evils of so much consequence, has resolved that your supreme tribunal, which issued the cedulas of concession, (grant,) shall make known to each one of the parties interested therein the precise meaning to be attached to the same in conformity with the grace itself, and explaining to them the said grace, (grace as used here means the royal order,) to the effect that the generality of the expression used, viz., "grantee in so far as it may not be opposed to the laws," shall never give room for (indefinite) construction, and making them understand that it is not within their discretion (power) to alienate the said grants, particularly to foreigners. I communicate the same to your excellency, by his Majesty's royal order, for the understanding and fulfilment thereof by the council, which will make due report of the same to his Majesty.

God preserve your excellency many years. Palace, April 28, 1818.

JOSE PIZARRO.

The president of the supreme council of the Indies.

And in testimony whereof, in virtue of a resolution and in view of an official communication of his excellency, the Secretary of State, I grant these presents, which is a faithful and true copy and conformable to the original.

Sealed with the seal of the secretary's office, at Madrid, this twenty-fifth day of February, one thousand eight hundred and fifty.

[L. S.]

BENITO GONZALEZ DE TEJADA.

Don Lorenzo Arrazola, knight grand cross of the royal and distinguished Spanish order of Charles the III, and of that American order of Isabel the catholic, secretary of grace and justice, chief notary of the kingdom, &c., &c., do certify, that Don Benito Gonzalez de Tejeda, by whom the foregoing document is authorized, is, as he styles himself, keeper of the archives of the department of grace and justice, and that the signature attached to the same is in his own handwriting.

In testimony whereof I grant these presents at Madrid, this twenty-eighth day of February, one thousand eight hundred and fifty.

LORENZO ARRAZOLA.

Don Pedro José Pidal, marquis of Pidal, chief secretary of State and of despatch, &c., &c., do certify, that the foregoing signature of Don Lorenzo Arrazola, secretary of grace and justice, and principal notary of the kingdom, is the same which he uses in all his official instruments, and that the communication to which the keeper of the archives of the department of grace and justice refers was granted at this office at the instance of the Secretary of the Interior of the United States, and that it may thus appear I sign these presents at Madrid, on the first of March, one thousand eight hundred and fifty.

[L. S.] PEDRO J. PIDAL.

Here follows certificate of Daniel *W.* Barringer, minister, &c., of the United States.

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

(Signed) JOHN M. FOUNTANE,
Translator.

And also the following paper, being a certified copy of an act of the council of the Indies, of 2d May, 1818, directed to the Duke of Alagon, Count Punon de Rostro, and Pedro de Vargas:

Decree issuing from the Council of the Indies under date of May 2d, 1818, put in evidence by defendant, and marked Defendant's document No. 14.

Don Benito Gonzalez de Tejada, secretario de S. M. con ejercicio, (Grace and justice.) y archivero del ministerio de gracia y justicia, &c., &c.

Certifico, que en el expediente del archivo de Yndias relativo á las concesiones de terrenos, hechas por S. M. en las Floridas, á los Señores Conde de Punon Rostro, Duque de Alagon, y Don Pedro Vargas, cuyo expediente se custodia en el mi cargo, se hallan los documentos siguientes:

E. S.—Estandose tratando en el consejo de Yndias de fijar los terminos precisos en que deben entenderse las gracias de los terrenos concedidos en las Floridas á varios particulares, me ha mandado pase á V. E. oficio como lo ejecuto, afin de que no proceda por ahora á enagenar ni disponer del todo ó parte de los que S. M. ha tenido á bien concederle en dicho distrito, por real cedula de 6 de Febrero ultimo, esperando se sirva V. E. dar me aviso de quedar enterado, para noticia del mismo tribunal. Dios y Madrid, 2 de Mayo de mil ochocientos diez y ocho.

SR. CONDE DE PUNON ROSTRO.

NOTA. Con la misma fecha se communico tambien igual oficio al Sr. Duque de Alagon, y Don Pedro Vargas. Quedo enterado de cuanto V. S. se sirve prevenir me de orden del supremo consejo de Yndias, en su oficio de 2 del corriente, manifestandome que hasta que se fijen los terminos precisos en que deben entenderse las gracias de los

terrenos concedidos en las Floridas á varias particulares no proceda á enagenar ni disponer del todo ó parte de los que S. M. tuvo á bien concederme en dicho distrito por real cedula de 9 de Abril ultimo. Dios gu'e á V. S. ms. as. Madrid, cuatro de Mayo de mil ochocientos diez y ocho.

PEDRO DE VARGAS,

SR. ESTEBAN VAREA.

He recibido el oficio de V. S. de 2 del corriente, en que se sirve decirme que estandose tratando en el consejo de Yndias de figar los terminos precisos en que deben entenderse las gracias de los terrenos concedidos en las Floridas á varios particulares, le ha mandado dicho tribunal me pase el referido oficio, áfin de que no proceda por ahora á enajenar ni disponer del todo ó parte de los que S. M. á tenido á bien conferirme en dicho distrito. En su contestacion no puedo menos de manifestar á V. S. que me ha suprendido la disposicion del consejo puesto que la concesion de la espresada gracia por la real persona, fue con arreglo á mi solicitud y circumstancias que en ella señale, y con la calidad de que no se oposiese á las leyes de la monarquia, lo que examino el proprio consejo por medio del sr. fiscal, dejando correr en su vista aquella por que no se le oficio objeccion alguna, expediendo en su consecuencia la oportuna real cedula, mas sin embargo, en cumplimiento de lo que V. S. tiene á bien prevenirme quedo enterado del contenido de dicho oficio. Dios guarde á V. S. ms. as. Madrid, cinco de Mayo de mil ochocientos diez y ocho.

F. El CONDE DE PUNON ROSTRO.

Sr. D. Estevan Varea.

He recibido el oficio de V. S. su fha. dos del corriente, en el que me hace presente, que estandose tratando en el consejo de Indias de fijar los terminos precisos en que deben de entenderse las gracias de los terrenos concedidos en las Floridas á varios particulares, ha determinado el consejo que no proceda por ahora á enajenar ni disponer del todo ó parte de los que S. M. ha tenido á bien concederme en dicho distrito por real cedula de 6 de Febrero ultimo; y enterado de su contenido debo manifestar á V. S. que cuando recibi la real cedula, otorgue poder para que se tomase posesion en mi nombre, y se procediese á la mayor brevedad posible á realisar las miras de cultivo y poblacion que me habia propuesto, autorisando plenamente á mi representante, y dandole amplias facultades para que enajenarse y vendiese el terreno que conceptuase necesario á efecto de hacer fundos con que atender á los primeros y precisos gastos de aquella tan util como despendioso, empresa é ignoro haste de presente lo que habia hecho en el particular, pero dare orden en el primero carreo que salga para aquellos dominios de S. M., que suspenda todo enagenacion y venta por ahora en cumplimiento, de lo resulto por ese supremo tribunal. Dios gu'e á V. S. ms. as. Madrid, cinco de Mayo de mil ochocientos diez y ocho.

P. El DUQUE DE ALAGON.

Sr. Dn. Estevan Varea

Y para que conste, en virtud de resolucion en vista de mi oficio del ex'mo señor ministro de estado, doy la presente, que és copia fiel, verdadera, y conforme con el original, sellada con el de esta secretaria en Madrid, á veinte y cinco de Febrero de mil ochocientos cincuenta.

[SELLO.] BENITO GONZALES DE TEJADA.

Don Lorenzo Arrazola, caballero gran cruz de la real y distinguida orden Española de Carlos tercero, y de la Americana de Ysabel la catolica, ministro de gracia y justicia, notario mayor del reino, &c., &c.

Certifico, que Don Benito Gonzalez de Tejada, por quien esta autorisado el anterior documento, és como se titula, archivero del ministerio de gracia y justicia, y de su puno y letra la firma que hoy al final. Y para que conste doy la presente, á Madrid, á veinte-ocho de Febrero de mil ochocientos cincuenta.

LORENZO ARRAZOLA.

Don Pedro José Pidal, Marques de Pidal, primer secretario de estado y del despacho, &c., &c.

Certifico, que la firma que antecede de D. Lorenzo Arrazola, ministro de gracia y justicia, y notario mayor del reino, és la que acostumbra usar en todos sus escritos oficiales, y que la communicacion á que se refiere el archivero del ministerio de gracia y justicia, fué hecha por este secretario á instancias del señor secretario de lo interior de los Estados Unidos; y para que conste, firmo la presente en Madrid, á primero de Marzo de mil ochocientos cincuenta.

[SELLO.] PEDRO J. PIDAL.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States near the court of her catholic Majesty, do hereby certify, that the certificates aforegoing of Don Benito Gonzales de Tejada, Don Lorenzo Arrazola, and his excellency the Marquis of Pidal, are genuine, in due form, and by the proper officers, according to their purport.

And I further certify, that the instruments of writing to which the same are annexed, are true copies of the originals from which they purport and are certified to have been taken, which exist among those public archives of the kingdom of Spain, whereof Don Benito Gonzales de Tejada aforesaid has official custody, and of which he has furnished the said copies at the request of the Secretary of the Interior of the United States, communicated through his excellency the Marquis of Pidal, as in the certificate of the said last named officer is truly set forth.

(Seal of legation U. S.) In testimony whereof I have hereunto set my hand and affixed the seal of this legation, this fifth day of March, 1850.

D. M. BARRINGER.

[SEAL.] *Translation of defendant's document No.* 14.

I, Don Benito Gonzalez de Tejada, secretary of her Majesty con-ejercicio, and keeper of the archives of the ministry of grace and justice, certify, that in the collection of documents from the archives of the Indies relating to the grants of land made by his Majesty in the Floridas to the Count of Punon Rostro, Duke of Alagon, and Don Pedro Vargas, which collection is kept in the archives under my charge, the following documents are found.

MOST EXCELLENT SIR: The settlement of the precise terms in which the grants of land in the Floridas, made to various individuals, are to be understood, being now under consideration in the council of Indies, that tribunal has commanded me to pass a communication to you, as I hereby do, to the effect that you proceed not for the present to alien or dispose of the whole or any part of the lands which his Majesty saw fit to grant to you in the said district, by his royal cedula of February 6th ult.

I trust that your excellency will be pleased to acknowledge notice of the above to me for the information of the tribunal above mentioned. God, &c. Madrid, May 2d, 1818.

THE COUNT OF PUNON ROSTRO.

NOTE.—Under same date a similar communication was addressed to the Duke of Alagon and Don Pedro de Vargas. I am informed of every thing which your excellency has been pleased to advise me of, by command of the supreme tribunal of the Indies, in your official communication of the 2d inst., instructing me that until such time as the precise terms in which are to be understood the grants of land to various individuals shall have been settled, you will not proceed to alienate or dispose of the whole or part of them which H. M. thought fit to grant me in said district by his royal cedula of the 9th April last.

God preserve your excellency many years. Madrid, fourth May, 1818.

PEDRO DE VARGAS.

Sr. Don ESTEBAN VAREA.

I have received your excellency's official communication of the 2d instant, in which you are pleased to say that the council of the Indies having under advisement the fixing of the precise terms under which are to be understood the grants of land made in the Floridas to various individuals, you have been instructed by said tribunal to address me said official communication, in order that I shall not proceed for the present to alienate or dispose of the whole or part of those lands which his Majesty has been pleased to grant me in said district; and in reply I have to state to your excellency that I do not hesitate to state that the decision of the council has surprised me, inasmuch as the concession of the aforesaid favor by his royal person was made in accordance to my petition, the circumstances therein expressed, and with the proviso that

the same should not be contrary to the laws of the monarchy; all of which was examined by the said council, with the aid of the solicitor, (fiscal,) letting the matter (grant) rest because no objection whatever was made to it by his Majesty, who, in consequence of the same, issued the royal order aforesaid; but notwithstanding, in compliance with what your excellency has been pleased to instruct me, I acquiesce with the contents of said official communication.

God preserve your excellency many years. Madrid, 5th May, 1818.

F. THE COUNT OF PUNON ROSTRO.

Sr. Don ESTEBAN VAREA.

I have received your communication under date of 2d of present month, in which you advise me that the settlement of the precise terms (sense) in which the grants of land made to various individuals in the Floridas are to be understood, being now under consideration in the council of Indies, that tribunal has determined that I shall not proceed for the present to alien or dispose of the whole or any part of the lands which his Majesty was pleased to grant me in the said district of his royal cedula of the 6th February last. Being advised of the contents of your communication, it is my duty, (or I have to,) that when I received the royal cedula I executed a power to take possession in my name, and proceed as rapidly as possible to realize the measures of improvement and colonization which I had proposed to myself, authorizing and empowering my attorney in the most full and ample manner to alien and sell such lands as he might think necessary, in order to raise funds for the payment of the primary and indispensable expenses of that useful and costly enterprise. I am ignorant thus far, of what he may have done in the premises, but I will give orders by the first mail that may start for the dominions of his Majesty, that he suspend all alienation and sale for the present, in obedience to the 1st resolution of that (your) supreme tribunal.

God preserve you many years. Madrid, May 5th, 1818.

The DUKE OF ALAGON.

Don ESTEBAN VAREA.

And in testimony whereof, in virtue of a resolution, and in view of an official communication of his excellency, the Secretary of State, I grant these presents, which is a faithful and true copy, and conformable to the original.

Sealed with the seal of the secretary's office, at Madrid, this 25th day of February, 1850.

[SEAL.] BENITO GONZALES DE TEJADA.

Don Lorenzo Arrazola, knight grand cross of the royal and distinguished Spanish order of Charles the III, and of that American order of Isabel the catholic, secretary of grace and justice, chief notary of the kingdom, &c., &c., do certify, that Don Benito Gonzales de Tejada, by whom the foregoing document is authenticated, is, as he styles

himself, keeper of the archives of the department of grace and justice, and that the signature attached to the same is in his own handwriting. In testimony whereof I grant these presents, at Madrid, this 28th day of February, 1850.

LORENZO ARRAZOLA.

Don Jose Pedro Pidal, marquis of Pidal, chief secretary of State and of despatch, do certify, that the foregoing signature of Don Lorenzo Arrazola, secretary of grace and justice, and principal notary of the kingdom, is the same which he uses in all his official instruments; and that the communication to which the keeper of the archives of grace and justice refers was granted at this office, at the instance of the Secretary of the Interior of the United States.

And that it may thus appear, I sign these presents, at Madrid, on the 1st of March, 1850.

[SEAL.] PEDRO J. PIDAL.

[Here follows the certificate of Daniel M. Barringer, minister, &c., of the United States.]

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

And the defendant further read in exidence a certified copy from the archives of East Florida, the following paper:

Defendant's document, No. 15.

Despatch from the Governor General of Cuba to the Governor of East Florida, under date of 26th July, 1818, communicating royal order of 28th April, 1818.

El ex'mo sr. secretario de estado, Dn. Jose Pizarro, con fecha de 29 de Abril ultimo, me dice lo siguiente:

"Ex'mo Sor.: Con fecha de ayer digo de rl. orden al sor. presidente del consejo de Indias lo siguiente: Quando el Rey, nuestro sor., tuvo á bien poco tiempo hace condescender en el repartimiento que de diferentes terrenos de sus dominios de las Floridas, pretendieron algunos de sus benemeritos vasallos, fue en el concepto de que esta gracia no hubiere de causar ningun perjuicio, y en calidad de usar de ellas las agraciadas con arreglo al sistema legislativo que rige en la materia con espresamente lo manifesto S. M. en su propria concesion comunicada á ese supremo tribunal, parandole juntamente copias literales des sus respectivos solicitudes para su examen, en este estado habiendo llegado S. M. á entender que la codicia solicita de los estrangeros suprehendiendo la buena fée de los agraciados trata de entrar en negociaciones para apropriarse en todo ó en parte de estas gracias, ó aprovecharse de su beneficio lo que si se verifican ademas de muchos inconvenientes politicos, podria ocasionar grandes perjuicios á los mismos agraciados,

2696.

por la melidad de sus contratas, no obstante su buena fée para precava S. M. tomanos males ha resuelto que por este mismo supremo tribunal, por el, que se han expedido las cedúlas de concession se prevenga á cada uno de los interesados en ellas, los terminos precisos en que deven entenderse, conforme á la gracia misma, y explicandosela para que la generalidad con que esta concedida de concedido en cuanto no se oponga á las leyes, pueda dar nunca lugar á interpretaciones, y haciendoles entender que no esta en su arbitrio el enagenarlos ni en parte ni en todo, particularmente á extrangeros; lo participo á V. E. de su rl. orden para su inteligencia y cumplimiento en el consejo de que dara cuenta á S. M. Y de la misma real orden lo communico á V. E., para su inteligencia y gobierno, y á fin de que provenga al comandante general de las Floridas, y le advierta no permita acto ninguno de transmision de dominio ni toma de posecion por otros de terrenos algunos, sino por los duenos agraciados por S. M., ó por sus legitimos poder habientes." Lo que transcribo á V. S. para su inteligencia y gobierno, en el concepto de que espero no *ventira* disposicion alguna, á fin de que tenga puntual cumplimiento, esta soberana determinacion.

Dios guarde á V. S. muchos años. Habana y Julio 26 de 1818.

(Signed) JOSE CIENFUEGOS.
JOSE COPPINGER.

San Augustine, 27 de Agosto, de 1818. Pase al sor. auditor de guerra, para que me consulte.

COPPINGER.

Sr. Gov., politico y militar: He visto la rl. orden que antecede V. S., con decreto de 27 del proximo pasado, ha remitido á mi consulta, refiriendose su literal contesta á la prohibicion qe. hace S. M. á los sujetos nuevamente agraciados en los terrenos incultos vacantes de las dos Floridas de poder las enagenar ni permitir acto alguno de transmision de dominio, ni toma de posesion sino por sus legitimos duenos ó apoderados, por lo que respecta á este segundo extremo que se ha verificado la posecion y en quanto al primero esta V. S., en el caso de dar le cumplimiento á la soberana disposicion, ordenando se fixen copias legalisadas en las parages mas publicos de la prov'a, para completo conocimiento de todos sus habitantes lo mismo qe. de prevenir al escribano unico de gobierno no proceda de modo alguno ó otorgan escritura de venta de los precitados terrenos concedidos en caso que quiera procederse á esto; este és mi parecer, y V. S. de todo resolver lo que le paresca mejor y mas ascertado. San Agustin de la Florida, y Sept'r 1, de 1818.

(Signed) RUPERTO SAAVADRA.

San Agustin, 2 de Septiembre de 1818. Vue conformo con el dictamen que antecede, y cumplido en todas sus partes.

COPPINGER.

Ante mi— JUAN DE ENTRALGO,
Es'no de Gob'no.

NOTA. Que en el mismo dia se fixaron copias autorizadas en las parages mas publicos conforme se manda, doy fée.

ENTRALGO.

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office, at the city of St. [SEAL.] Augustine, State of Florida, this eighth day of November, A. D. one thousand eight hundred and forty-seven.

ANTONIO ALVAREZ,
K. P. A.

Translation of defendant's document No. 15, being a despatch from Governor General of Cuba to Governor of Florida.

His excellency the secretary of state, Don Jose Pizarro, under date of the 29th of April last, states to me the following:

MOST EXCELLENT SIR: Under date of yesterday I state, by royal order to the president of the council of the Indies, the following: When the king our lord was pleased, a short time since, to condescend to the distribution of different lands of his dominions of the Floridas, which some of his deserving vassals solicited, it was with the opinion that this favor would occasion no injury, and on condition that the recipients would make use of it agreeably to the legislative system which governs in such cases, as his Majesty expressly stated in his own proper concession, communicated to this supreme tribunal, transmitting to it jointly literal copies of their respective prayers for its examination. In this state of the case, his Majesty having come to the understanding that the grasping cupidity of foreigners taking by surprise the good faith of the recipients, is seeking to enter into negociations for the purpose of appropriating to itself, wholly or in part, those favors; or to avail themselves of their advantages, which, if carried into effect, besides numerous political inconveniences, will be the means of occasioning great injuries to the same grantees, by the invalidity of their contracts, notwithstanding their good faith. To obviate evils of such magnitude his Majesty has resolved, that by this very tribunal, the same through which the decrees of cession were issued, notice be given, to each of those interested in them, of the precise terms in which they ought to be understood agreeably to the same grant; and it being explained in order that the general terms with which it has been granted, viz., "granted in so far as it does not conflict with the laws," can never give room for interpretations, and having them understood that it is not at their option to alienate them either in part or wholly, particularly to strangers, I communicate it to your excellency, by his royal order, for the understanding and fulfilment thereof in the council, of which you will make report to his Majesty. And by the same royal order, I communicate it to your excellency for your information and government, and to the end that you advise the commandant general of the Floridas, and give notice to him, that he permit no act of trans-

fer of domain, nor the taking possession for others, of any lands except for owners holding grants from his Majesty, or their legitimate attorneys.

The which I transcribe to your excellency for your information and government, with the opinion that I hope you will neglect no step whatever, to the end that this sovereign determination have strict enforcement. May God preserve your excellency many years. Havana, July 26, 1818.

Signed, JOSE CIENFUEGOS.

Don Jose Coppenger.

St. Augustine, 27th of August, 1818. Let it be referred to the auditor of war that he may consult me.

Signed, COPPINGER.

His excellency the Governor, civil and military.

I have seen the foregoing royal order, which, with the decree of the 27th of the month last past, your excellency referred to my consideration its literal context, referring to the prohibition which his Majesty imposes upon his subjects lately invested with the uncultivated vacant lands of the two Floridas, with reference to the power of transferring or permitting any act of transfer of dominion, or taking possession, except by the legal owners or agents. So far as regards this second extreme, possession has already been taken ; and with regard to the first, your excellency is under obligation to give effect to the sovereign will, by ordering that certified copies be posted in the most public places in the province for the complete information of all its inhabitants ; as also that of ordering the only escribano of the Government that he proceed in no manner to grant a bill of sale of the said lands granted in the event that he is required so to do ; this is my opinion, and your excellency, with regard to the whole, will determine upon what appears to him best and most proper. St. Augustine of Florida, Sept. 1, 1818.

Signed, RUPERTO SAAVADRA.

St. Augustine, 2d of September, 1818. I approve of the foregoing opinion, and let it be complied with in all its parts.

COPPINGER.

Before me, JUAN DE ENTRALGO,
Escribano of the gov't.

NOTE. That upon the same day certified copies were fixed at the most public places as ordered.

Attest: ENTRALGO.

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

St. Augustine, Flo., January 4th, 1848.

JOHN M. FONTANE,
Special translator dist. court U. S., for northern dist., Florida.

And the defendant also offered in evidence the following papers, to wit:

Document marked and numbered 16, being a formal decree emanating from the council of the Indies, and dated 11th of July, 1818.

Defendant's document No. 16.

D. Benito Gonzales de Tejada, secretario de S. M. con ejercicio, y archivero del ministerio de gracia y justicia, &c., &c.

Certifico, que en el expediente del archivo de Yndias relativo á las concesiones de terrenos hechas por S. M. en la Florida ó los sres. Conde de Punon Rostro, Duque de Alagon, y D. Pedro Vargas, cuyo espediente se custodia en el de mi cargo se halla minuta de la cedula siguiente, comunicada al Duque de Alagon, Conde de Punon Rostro, y D. Pedro Vargas, y oficios pasados al ex'mo sr. ministro de estado.

Con fha. de veinte y ocho de Abril proximo pasado, se ha comunicado al consejo de Yndias por el ex'mo sr. secretario de estado y del despacho la real orden que sigue: Aqui la orden hasta estrangeros. Publicada esta real orden en el estado tribunal estimo conveniente oir sobre ella á la contaduria general y fiscal de S. M., y á su consecuencia con visto de lo que espresieron se ha servido acordar su cumplimiento y que al mismo fin se comunique á V. como lo ejecuto, enterandole al proprio tiempo de lo prevenido en las leyes de Indias, comprendidas en su recopilacion, y especialmente en los titula quinto, sexto, septimo, y doce del libro cuarto en cuanto puedan servir de gobierno para llevar á efecto conforme á ellas la empresa de que se trata cuyo contenido substancialmente, és el que sigue:

Ley primera y segunda, titulo quinto. Que los nuevos pobladores en los dominios de Yndias, cuiden de que se fijen los pueblos en parages sanos, fertiles, y abundantes, de todo lo necesario para vivir y que tengan buenas entradas y salidas por mar y tierra.

Ley tercera, titulo id. Que para labradores y oficiales puedan ir indios de su voluntad, con tal de que no sean de los que estan y á poblados, y tienen casa y tierra, ni de los de repartimiento.

Ley sexta, titulo id. Que para poblar alguna villa de Españoles por medio de asiento, se hager la capitulacion con estas calidades que dentro del termino que le fuere señalado tenga por lo menos treinta vecinos, y cada uno de ellos, una casa, diez vacas de vientre, cuatro bueyes ó dos bueyes y dos novillos, una yegua de vientre, una puerca de vientre, viente ovejos de Castillo, seis gallinos, y un gallo, un yzlesia provista y un capellan.

Ley once, titulo id. Que el que pueble de este modo tenga la jurisdiccion, civil y criminal, por dos vidas, con facultad de nombrar alcalde y ayuntamiento.

Ley segunda, titulo sexto. Que el primer poblador y vecinos que fueren á la nueva poblacion desde estes reinos, no paguen derechos de de almajarifazgo, ni otros algunos, reales de lo que llevaren para sus casas y mantenimientos en el primer viage.

Ley tercera, titulo id. Que los mismos puedan usar de armas ofensivas y defensivas dando fianza, de no hacer mal uso de ellas.

Ley quinta, titulo id. Que sean preferidos por sus personas en los premios y encomiendos aunque no sean casados.

Ley sexta, titulo id. Que las personas, hijos y descendientes legitimos de los que se obliguen à hacer poblacion, y hubieren cumplido su asiento, sean hijos dalgo y personas nobles de linage.

Ley primera, titulo septimo. Que la provincia ó camarca que se hubiere de poblar, y el sitio donde se han de hacer las nuevas poblaciones sea levantado sano y fuerte con consideracion al abrizo fondo y defensa del puerto, y en estas y las demas tierra adentro se elijan sitios vacantes sin perjuicio de los indios y naturales, ó con su libre consentimiento, guardando en la construccion de casas y calles el motodo y orden mas conforme al buen gusto y rnato de las poblaciones.

Ley segunda, titulo id. Que con conocimiento de dichas circumstancias el gobernador del distrito declare el pueblo que se ha de poblar, si ha de ser ciudad, villa, ó lugar, y en su vista se formara concejo que tenga un juez ó alcalde, mayor ó corregidor, ó alcalde ordinario, ayuntamiento y demas funcionarios publicos, correspondientes á cada una de las tres clases.

Ley sexta, titulo id. Que no se pueda poblar en los puertos del mar, ni en parte que en algun tiempo pueda redundar en perjuicio del rey, y de la republica.

Ley septima, titulo id. Que el terreno señalado á poblador por capitulacion se reparta en porciones convenientes en este forma; la correspondiente para poblar, los exidos las debesas para pastos de ganados; y del resto se hagan cuatro partes, la una para el que este obligado á hacer la poblacian, y las otras tres para repartir lo en suertes á los colonos pobladores.

Ley veinte, veinta y una, y veinte y cinco, titulo id. Que el que haga los asientos para poblar cuide de que tengan cumplido efecto dentro del termino que se señale, tomando cuenta de lo que se fuere adelantando: que los regidores y procurados pidan con instancia contra los pobladores que á los plazos estipulados no hayan cumplido, y las justicias los aprennen por todo rigor de derecho á no haber sobrevenido, accidente fortuito, en cuyo casa podra el gobernador prorogar el tiempo necesario.

Ley segunda, titulo doce. Que á los que en poblacion de alguna provincia ó distrito tuvieren tierras, y salar en un pueblo no se les pueda dar ni repartir en otro, sino fuere dejando enteramente la primera residencia á no ser que hayan vivido en ella los cuatro años prevenidos para adquirir el dominio.

Ley tercera, titulo id. Que los que aceptaren el asiento para poblar se obliguen á tener edificados, los solares poblada la casa repartidas y en labor las tierras, y hechos plantios y demas estipulado pena de perderlo todo.

Ley nueve y diez, titulo id. Que las estancias y tierras que se dierren á los Españoles, sean sin perjuicio de los Indios en el concepto de que calificandose ser de esto, hayan de devolverseles precisamente;

y que en ningun caso puedan venderse las tierras á yglesia, monasterio, ó persona eclesiastica, pena de perderlas.

Ley once, titulo id. Que todos los vecinos y moradores á quienes se hiciere repartimiento de tierras sean obligados dentro de tres meses á tomar posesion de ellas, y plantar todas los lindes y confines que tuvieren, con las otras tierras de sauces y arboles, siendo en tiempo á fin de poner las en buena y á pasible disposicion, y los que no lo hicieren las pierdan.

Ley doce, titulo id. Y que las estancias para ganados en las nuevas poblaciones se den apartadas de pueblos y sementeras de Indios, á fin de evitar les todo perjuicio, y que en caso de causarles alguno, cuiden las justicias de que se les satisfagan. Lo que comunico á V. de acuerd del consejo en cumplimiento de la real orden inserta á fin de que conformea la misma leyes citadas, y demas que tratan de la materia, pueda tener efecto, la empresa de poblacion en los terrenos que S. M. se ha dignado concederle en las Floridas, por real cedula de seis de Febrero de este año, y del recibo de este espero se sirva V. darme aviso. Dios, etc. Madrid, once de Julio de mil ochocientos diez y ocho.

M. SEN. SECRETARIO DE ESTADO.

Ex'mo señor: En cumplimiento de la real orden que V. S. se sirvio comunicar al consejo de Yndias con fha. de veinte y ocho de Abril ultimo, relativo á los terminos precisos en que deben entenderse las gracias de diferentes terrenos concedidos por S. M. en las Florida por cedulas de seis de Febrero y nueve de Abril de este año, al ex'mo Sr. Duque de Alagon, Conde de Punon Rostro, y D. Pedro de Vargas, ha acordado dijo á cada uno de los interesados como la ejecuto con la misma fha. lo que sigue. Con fha. y hasta aviso y lo pongo todo en noticia de V. S. para que se sirva elevarlo á la de S. M., segun se previene en dicha real orden; como tambien que el consejo estima conveniente se comunique su soberana resolucion al capitan general de la Ysla de Cuba, y á los gobernadores de las dos Floridas, bien sea por real orden ó por cedula, para que cuiden respectivamente de su puntual observancia. Dios, etc. Madrid, once de Julio de mil ochocientos diez y ocho.

GOBERNADORE DE ULTRAMAR.

Al Senor Secretario de Estado.

Ex'mo señor: Dirijo á V. S. copias autorizadas por mi para el fin que me pide en oficio de 13 del corriente de las reales cedulas de seis de Febrero y nueve de Abril de mil ochocientos diez y ocho, expedidas por el extinguido consejo de Indias de las concesiones de tierras, hechas por S. M. en las Floridas al Duque de Alagon, Conde de Punon Rostro, y Don Pedro de Vargas, y á demas por lo que pueda conducir acompaño otra copia de la real cedula de diez de Agosto del mismo año, al gobernador capitan general de Cuba, y al gobernador de las Floridas, declarando el rey los terminos precisos en que debia ha-

cerse uso de las referidas gracias. Dios guarde, &c. Palacio, quince de Octubre de mil ochocientos veinte.

Y para que conste, en virtud de resolucion en vista de su officio del ex'mo señor ministro de estado, doy lá presente que és copia fiel, verdadera, y conforme con el original, sellada con el de esta secretaria en Madrid, á diez y nueve de Febrero de mil ochocientos cincuenta.

[SELLO] BENITO GONZALES DE TEJADA.

Don Lorenzo Arrazola, caballero gran cruz de la real y distinguida orden Española de Carlos terceor, y de la Americana de Isabel la catolica, ministro de gracia y justicia, mayor del reino, &c., &c.

Certifico, que Don Benito Gonzales de Tejada, por quien esta autorisado el anterior documento, és como se titula archivero del ministerio de gracia y justicia, y de su puno y letra la firma que hoy al final. Y para que conste, doy la presente en Madrid, á veinte-ocho de Febrero de mil ochocientos y cincuenta.

LORENZO ARRAZOLA.

Don Pedro José Pidal, marques de Pidal, primer secretario de estado y del despacho, &c., &c.

Certifico, que la firma que antecede de Don Lorenzo Arrazola, és la que acostumbra usar en todos sus escritos oficiales y és como se titula ministro de gracia y justicia, y notario mayor del reino, que la comunicacion á que se refiere el archivero del ministerio de gracia y justicia fué hecha por este secretaria ó instancias del señor secretario de lo interior de los Estados Unidos; y para que asi conste, firmo lo presente en Madrid, á primero de Marzo de mil ochocientos cincuenta.

[SELLO.] (Signed) PEDRO J. PIDAL.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States, near the court of her catholic Majesty, do hereby certify, that the aforegoing certificates of Don Benito Gonzales Tejada, Don Lorenzo Arrazola, and his excellency the Marquis of Pidal, are genuine in due form of law, by the proper officers according to their purport.

And I further certify, that the instruments of writing to which the same are annexed, are true copies of the originals from which they purport and are certified to have been taken, which exist among those public records of the kingdom of Spain, whereof Don Benito Gonzales de Tejada aforesaid has official custody, and of which he has furnished the said copies at the request of the Secretary of the Interior of the United States, communicated through his excellency the Marquis of Pidal, as in the certificate of the said last named officer is truly set forth.

(Seal of legation U. S.) In testimony whereof I have hereunto set my hand and affixed the seal of this legation, this fifth day of March, 1850.

D. M. BARRINGER.

Translation of defendant's document No. 16.

I, Don Benito Gonzalez de Tejada, secretary of her Majesty, con egercicia, and keeper of the archives of the department of grace and justice, &c., &c.

[SEAL.]

Certify, that in the collection of documents from the archives of the Indies, relating to the grants made by his Majesty of lands in the Floridas to the Count of Punon Rostro, the Duke of Alagon, and Don Pedro Vargas, which collection is kept in the archives under my charge, are found the minutes of the following cedula, communicated to the Duke of Alagon, Count of Punon Rostro, and Don Pedro Vargas, and official communications addressed to the most excellent minister of State.

Under date of 28th April ult., the most excellent secretary of State communicated, by royal order, to the council of the Indias the following:

[Here insert the order down to foreigners.]

The said royal order having been published [made known] in the said tribunal, it saw fit to hear in regard to the same the contaduria general and the fiscal [solicitor] of his Majesty, and in consequence thereof with a view to their reports thereupon, the said tribunal has been pleased to decree the execution of said order, and that the same be communicated to you, as I now communicate it to that end; advising you at the same time of the provisions of the laws of the Indies, comprehended in the recopilacion thereof, and especially in the fifth, sixth, seventh, and twelfth titles of the fourth book, in so far as they may serve for your government, so that you may carry into effect agreeably to them the enterprise to which reference is had.

The contents of said law are substantially as follows:

Law 1st and 2d, title 5th. That new settlers in the dominion of the Indies take proper care that the towns be located on healthy and fertile spots, which abound in everything necessary for subsistence, and have good ingress and egress both by sea and land.

Law 3d, title 5th. That as laborers and artificers Indians may go there of their own will, provide[d] they be not then already settled and who have a house and land, or those who are entitled to grants, (repartimiento.)

Law 6th, title 5th. That to found a town of Spaniards upon a site, the same shall be done under these stipulations: That within the time that shall be named, it shall have at least thirty neighbors, each of whom shall have a house, ten breeding cows, four oxen, or two oxen and two steers, one breeding mare, one breeding sow, twenty Castilian breeding sheep, six hens and one cock, with a furnished church and its chaplain.

Law 11th, title 5th. That the town founded in this manner shall have civil and criminal jurisdiction for the term of twenty years, (dos videns,) with power to appoint alcalde and a corporation.

Law 2d, title 6th. That the first settler and inhabitant who may go

from these kingdoms to the new settlement be exempt from the payment of duties of importation or of other royal taxes upon the effects they carry with them for their houses and subsistence the first time they go thither.

Law 3d, title 5th. That they, the said settlers, may use defensive and offensive arms by giving security that they shall not make improper use of them.

Law 5th, title 5th. That these persons be preferred for all rewards and patronage although they be not married.

Law 6th, title 5th. That the persons, their legitimate children and descendants, who shall engage to make a settlement and shall fulfil the same, shall be considered as persons of noble lineage.

Law 1st, title 7th. That the province or district which is to be settled, and the sites where the new settlements are to be made, shall be elevated, healthy, and strong, taking into consideration the shelter, depth of water, and defence of the port; and in these, as well as other settlements in the interior, vacant spots shall be selected without prejudice to the Indians or natives, or with their voluntary consent, observing in the construction of houses and opening of streets that method and order conformable to good taste and the ornament of the towns.

Law 2d, title 5th. That the governor of the district being informed of all the circumstances aforesaid, shall declare whether the settlement is to be a city, villa, or hamlet, and thereupon he shall establish a council with a judge, or chief alcalde, or a magistrate or alcalde in ordinary, a corporation, and other public functionaries corresponding to each of these classes.

Law 6th, title 5th. That no settlement shall be made at any sea-port, or at any other place which might at any future time redound to the prejudice of the King or State.

Law 7th, title 5th. That the land assigned to a settler by compact, shall be divided into convenient portions, thus, the quantity necessary for the settlement, commons, and pasturage of cattle; and of the rest four parts shall be made, to wit, one for the person who has engaged to make the settlement, and the other three parts to be distributed in lots to the colonial settlers, &c.

Laws 20, 21, and 25, title 5th. That the person who shall make locations for settlements thereon, shall see that the same be carried into full effect within the time which shall be assigned for the purpose, and report what progress shall be made. That the magistrates and attorneys shall prosecute those settlers who shall not have complied with the terms stipulated, and the justice, who shall compel them to do so to the utmost rigor of the law, unless some unforeseen accident may occur, in which case the governor may prorogue, or allow such further time as may be necessary.

Law 2d, title 12th. That persons who in the settlement of any province or district hold lands or a lot in one town, none other can or shall be given them without entirely relinquishing the first residence, unless they shall have lived on the same the four years required by law to acquire the absolute right of property.

Law 3d, title 12th. That those persons who may accept of the site for settlement shall bind themselves to build upon the lots, cultivate the same, and do any other thing stipulated to be done, otherwise they shall forfeit the whole.

Laws 9 and 10, title 12th. That the lots and lands which shall be given to Spaniards shall be without prejudice to the Indians, with the understanding that the same shall be returned upon proof that the ownership is in the latter; and that in no case shall the lands be sold to any church, monastery, or ecclesiastical person, under penalty of forfeiture of the same.

Law 11, title 12th. That all the inhabitants and settlers to whom lands shall be given shall be obliged within three months to take possession of them, and plant trees along its boundary lines with the lands, if the season will permit it, so as to give the place a pleasant view, and all such persons who shall fail to do so shall forfeit their lands.

Law 12, title 12th. That the lands for the grazing of cattle in the new settlements be separate from the towns and Indian planting fields, in order to avoid any injury being done to them, and in case any should occur to them, the justice shall see that they be indemnified for the same; all of which I commuicate to you in accordance with a resolution of the council in compliance with the royal order herein inserted, in order that, conformable to the laws referred to, and other things relating to the subject, the enterprise of settlement may be effected upon the lands which his Majesty has been pleased to concede to it in the Floridas by royal order of 6th of February of this year, and of the receipt of this communication I request to be advised. God, &c.

Madrid, 11th of July, 1818.

To his excellency the Secretary of State:

MOST EXCELLENT SIR: In compliance with the royal order which your excellency was pleased to communicate to the council of Indies, under date of the 28th of April last, relative to the precise terms (sense) in which the grants of different lands granted by his Majesty in the Floridas, by cedulas of February 6 and April 9 of this year, to the most excellent Duke of Alagon, Count of Punon Rostro, and Don Pedro Vargas, are to be understood, the council has directed me to communicate to each one of the parties interested (as with this date I do) the following ("under date" down to "communication.") And I hereby bring the same to your excellency's notice, in order that you may be pleased to lay it before his Majesty, as provided for in his royal order, together with the opinion of the council that his Majesty's sovereign resolution should be communicated to the captain general of the island of Cuba, as well as the governor of the Floridas, either by royal order or by cedula, to the end that these officers may respectively see to its punctual observance.

God, &c.

MADRID, *July* 11, 1818.

DEPARTMENT OF ULTRAMARINE,

[Beyond seas.]

To the Secretary of State:

MOST EXCELLENT SIR: I address to your excellency, for the purpose for which they were asked in your note of 13th inst., copies authenticated by me of the royal cedula of February 6 and April 9, 1818, issued by the now extinguished council of Indies, for the grants made of lands in the Floridas, by his Majesty, to the Duke of Alagon, Count of Punon Rostro, and Don Pedro Vargas; and moreover, for what it may avail, I accompany with another copy of the royal cedula of August 10, of the same year, to the governor, captain general of Cuba, and the governor of the Floridas, wherein the King declared the precise terms upon which the said grants are to be made use of.

God preserve, &c.

PALACE, 15*th October*, 1820.

And in testimony whereof, in virtue of a resolution, and in view of an official communication of his excellency the Secretary of State I grant these presents, which is a faithful and true copy, conformable to the original.

Sealed with the seal of the secretary's office, at Madrid, this 19th of February, 1850.

[L. S.] BENITO GONZALEZ DE TEJADA.

Don Lorenzo Arrazola, knight grand cross of the royal and distinguished Spanish order of Charles the III, and of the American order of Isabel the catholic, secretary of grace and justice, chief notary of the kingdoms, &c., do certify, that Don Benito Gonzalez de Tejada, by whom the foregoing document is authenticated is, as he styles himself, keeper of the archives of the department of grace and justice, and that the signature attached to the same is in his own handwriting.

In testimony thereof I grant these presents, at Madrid, this 28th of February, 1850.

LORENZO ARRAZOLA.

Don José Pedro Pidal, marquis of Pidal, chief secretary of state and of despatch, &c., &c., do certify, that the foregoing signature of Don Lorenzo Arrazola, secretary of grace and justice, and principal notary of the kingdoms, is the same which he uses in all his official instruments, and that the communication to which the keeper of the archives of grace and justice refers was granted at this office, at the instance of the Secretary of the Interior of the United States. And that it may thus appear I sign these presents, at Madrid, on the 1st of March, 1850.

[L. S.] PEDRO J. PIDAL.

[Here follows the certificate of Daniel Mr. Barringer, minister, &c of the United States.]

I do hereby certify that the foregoing is a true and correct translation of the document hereto annexed.

(Signed) JOHN M. FONTANE, *Translator.*

And the defendant also offered in evidence the following document, being marked and numbered as Defendant's document No. 17, being the reply of the Duke of Alagon to the decree of the council of Indies, No. 16, and which is as follows:

Defendant's document No. 17.

Don Benito Gonzales de Tejada, secretario de S. M., con egercicio, y archivero del ministerio de gracia y justicia:

(Seal of bureau of grace and justice.)

Certifico, que en el expediente del archivo de Yndias relativo á las concesiones de terrenos, hechas por S. M. en las Floridas, á los señores Conde de Punon Rostro, Duke de Alagon, y D. Pedro Vargas, cuyo expediente se custodia en el de mi cargo, se halla el documente siguiente. He recibido el oficio que V. S. me pasa con fecha 11 del corriente, y quedo enterado de la real orden que el ex'mo señor secretario de estado y del despacho ha comunicado con fecha 28 de Abril ultimo, á ese supremo consejo que me inscrive V. S. juntamente con las leyes comprendidas en la recopilacion de Yndias, para que puedan servir me de gobierno en los terrenos de las Floridas, que S. M. se digno concederme par su real cedula de 6 de Febrero de este año. Dios guarde á V. S. muchos años. Madrid, 14 de Julio de 1818.

Sr. El DUQUE DE ALAGON, BARON DE SPES,
Sr. D. SILVESTRE COLLAR.

Y para que conste, en virtud de resolucion en vista de mi oficio del ex'mo señor ministro de estado, doy la presente, que és copia fiel, verdadera, y conforme con el original, sellada con el de esta secretaria, en Madrid, á veinte y cinco de Febrero de mil ochocientos cincuenta.

[SEAL.] BENITO GONZALEZ DE TEJADA.

Don Lorenzo Arrazola, caballero gran cruz de la real y distinguida orden Española de Carlos tercero, y de la Americana de Isabel la catolica, ministro de gracia y justicia, notario mayor del reino, &a.

Certifico, que Don Benito Gonzalez Tejada, por quien esta autorisado el anterior documento és como se titula archivero del ministerio de gracia y justicia, y de se puno y letra; que hoy al final, y para que conste, doy la presente en Madrid, á veinte y ocho de Febrero de mil ochocientos cincuenta.

LORENZO ARRAZOLA.

Don Pedro José Pidal, marquis de Pidal, primer secretario de estado y del despacho, &a., &a.

Certifico, que la firma que antecede de D. Lorenzo Arrazola, por

quien se halla lagalizado el anterior documento, és la que acostumbra usar en todas sus escritos, y que és ministro de gracia y justicia, y notario mayor del reino, como se titula y que la communicacion á que se refiere el archivero del ministerio de gracia y justicia, fue hecha por esta secretaria á instancias del señor secretario de lo ynterio, de los Estados Unidos; y para que conste, firmo la presente en Madrid, el primero del Marzo, de mil ochocientos cincuenta.

PEDRO J. PIDAL.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotiary of the United States, near the court of her catholic Majesty, do hereby certify, that the foregoing certificates of Don Benito Gonzales de Tejada, Don Lorenzo Arrazola, and his excellency the Marquis of Pidal, are genuine, in due form, by the proper officers, according to their purport.

And I further certify, that the instrument of writing to which the same are annexed, is a true copy of the original from which it purports and is certified to have been taken, which exists among those public records of the kingdom of Spain, whereof Don Benito Gonzales de Tejada aforesaid has official custody, and of which he has furnished the said copy at the request of the Secretary of the Interior of the United States, communicated through his excellency the Marquis of Pidal, as in the certificate of the said last named officer is truly set forth.

In testimony whereof I have hereto set my hand, and affixed (Seal of legation.) the seal of this legation, this fifth day of March, 1850. D. M. BARRINGER.

Translation of document No. 17.

I, Don Benito Gonzales de Tejada, secretary of her Majesty, (con ejercicio,) (Grace and justice.) and keeper of the archives of the department of grace and justice, certify, that in the collection of documents from the archives of the Indies, relating to the grants of land made by his Majesty in the Floridas to the Count of Punon Rostro, Duke of Alagon, and Don Pedro Vargas, which collection is kept in the archives under my charge, is found in the following document:

"I have received the despatch which you transmit me under date of the 11th of the present month, and stand advised of the royal order which the most excellent Secretary of State has communicated to that (your) supreme council under date of the 28th of April last, and which you address me, together with the laws embraced in the recopilacion de Indies, to the end that they may serve for my government in regard to the lands which his Majesty deigned to grant me by his royal cedula of the 6th of February of the present year. God preserve you many years.

Madrid, July 14, 1818.

The DUKE OF ALAGON, BARON DE SPES.

Don SILVESTRE COLLAR.

And in testimony whereof, in virtue of a resolution, and in view of an official communication of his excellency the Secretary of State, I grant these presents, which is a true and faithful copy, and conformable to the original.

Sealed with the seal of the secretary's office at Madrid, this twenty-fifth day of February, one thousand eight hundred and fifty.

[SEAL.] BENITO GONZALES DE TEJADA.

Don Lorenzo Arrasola, knight grand cross of the royal and distinguished Spanish order of Charles the III, and of the American order of Isabel the catholic, secretary of grace and justice, chief notary of the kingdom, &c., &c., do certify, that Don Benito Gonzales de Tejada, by whom the foregoing document is authenticated, is, as he styles himself, keeper of the archives of the department of grace and justice, and that the signature attached to the same is in his own handwriting.

In testimony whereof I grant the present at Madrid, this twenty-eighth day of February, one thousand eight hundred and fifty.

LORENZO ARRAZOLA.

Don Jos[illegible]edro Pidal, marquis of Pidal, chief secretary of state and of despa[illegible], &c., &c., do certify, that the foregoing signature of Don Lorenzo Arrazola, secretary of grace and justice, and principal notary of the kingdom, is the same which he uses in all his official instruments, and that the communication to which the keeper of the archives of grace and justice refers was granted at this office at the instance of the Secretary of the Interior of the United States; and that it may thus appear I sign these presents, at Madrid, on the first of March, 1850.

[SEAL.] PEDRO J. PIDAL.

Here follows the certificate of Daniel M. Barringer, &c., of the United States.

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

And the defendant also offered in evidence the following document, which is numbered and marked as Defendant's document number 18, being a copy of a despatch from the Captain General of Cuba to the Governor of East Florida, dated 30th October, 1818, and communicating a royal order of the 18th July, 1818.

Defendant's document No. 18.

Despatch, Governor General of Cuba to Governor of East Florida.

El ex'mo sr. secretario de estado y de su despo. me dice, con fecha de 18 de Julio ultimo, lo que sigue:

Ex'mo sor.: Con esta fecha digo al presid'te del concejo de Indias lo siguiente: El rey, N. S., ha llegordo á entender que comprometiendose la alta politica de S. M., y contra el sentido unico y verdadero

espiritu de las leyes, se promueve la enagenacion de las tierras concedidas en las Floridas á los sres. Duque de Alagon, Conde de Punon Rostro, Dn. Pedro Vargas, ó qualquiera otros, S. M. me manda renovar á V. E. la orden para conocimiento de ese concejo, de que no se entiendan enagenables, y mucho menos á extrangeros, las gracias de dichas tierras segun esta mandado, y lo previenen nuestras leyes, de real orden lo comunico á V. E. para su noticia y la del concejo, y para su mas exacto conocimiento. Y de la misma lo traslado á V. E. para su inteligencia y gobierno; y lo transcribo á V. S. á los mismos fines por su parte.

Dios guarde á V. S. ms. as. Habana, 30 de Oct. de 1818.

Signed, JOSE CIENFUEGOS.

Sr. GOBERNADOR DE LA FLORIDA ORIENTAL.

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office, at the city of St. Augustine, (Seal of K. B. A.) State of Florida, this eighth day of November, A. D. one thousand eight hundred and forty-seven.

ANTONIO ALVAREZ, *K. B. A.*

Translation of doc. No. 18.

His excellency the secretary of state and of its despatch department, under date of the 18th of July last, tells me what follows:

Excellent sir: With this date I tell the president of the council of the Indies the following:

The King our Lord has come to the understanding that the elevated policy of his Majesty being compromised, and contrary to the only sense and true spirit of the laws, the transfer of lands granted in East Florida to the Duke of Alagon, the Count of Punon Rostro, Don Pedro de Vargas, or any others is contemplated, his Majesty commands me to renew to your excellency the order for the instruction of that council by which the grants of said lands are not to be understood as transferable, and much less so to strangers as is commanded and as our laws provide for. By royal order I communicate the same to your excellency for your notice, as well as that of the council, and for their most exact knowledge. And by the same order, I transmit to your excellency for your information and government, and I transcribe it to your excellency for the same purposes on your part. May God preserve your excellency many years. Havana, 30 de October, 1818.

JOSE CIENFUEGOS.

To the GOVERNOR OF EAST FLORIDA.

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed. St. Augustine, Florida, January 20, 1848. JOHN M. FONTANE,

Special translator dist. court N. dist. Flo.

And the defendant also offered in evidence the following document, numbering and marked Defendant's document No. 19, being an authenticated copy of the royal order of the 19th of July, 1818.

Defendant's document No. 19.

Authenticated copy of royal order of 19th of July, 1818.

(Seal of bureau of grace and justice.) Don Benito Gonzales de Tejada, secretario de S. M. con ejercicio de decretos, y archivero del ministerio de gracia y justicia.

Certifico, que en el expediente del archivo de Yndias relativo á las concesiones de terrenos, hechas por S. M. en las Floridas, á los señores Conde de Punon Rostro, Duque de Alagon, y Dn. Pedro Vargas, cuyo expediente se custodia en el de mi cargo, se halla la real orden y contestacion á ella siguientes:

Ex'mo señor: El Rey, N. S., ha llegado á entender que comprometiendose la alta politica de S. M., y contra el sentido unico, y verdadero espiritu de las leyes, se promueve la enagenacion de las tierras concedidas en las Floridas á los señores Duque de Alagon, Conde de Punon Rostro, Dn. Pedro de Vargas, cualquiera otro, S. M., me mandar renovar á V. E. la orden para conocimiento de ese consejo, de que no se entiendan enagenables, y mucho menos á extrangeros, las gracias de dichas tierras segun esta mandado, y lo previenen nuestra leyes de real orden lo comunico á V. E. para su noticia y la del consego, y para mismas esacto cumplimiento. Dios guarde á V. E. muchos años. Sacedar diez y nueve de Julio de mil ochocientos diez y ocho.

JOSE PIRANO.

Señor Duque de Montemar.

Ex'mo señor: Con fecha de diez y nueve del corriente se sirvio V. E. recordar al consejo de orden de S. M., el puntual cumplimiento de la que se le habia comunicado en veinte-ocho de Abril anterior, sobre que hiciese entender al señor Duque de Alagon, Conde de Punon Rostro, y D. Pedro Vargas, los terminos precisos en que conforme á las leyes de Yndias, deben entenderse las gracias que respectivamente se ha dignado S. M. disponsarles de varios terrenos en las Floridas, y la calidad espresa de que no puedan enagenarlos, particularmente á estrangeros, publicada esta soberana resolucion en dicho tribunal ha acordado en cumplimiento, y que haga presente á V. E. como lo ejecuto, que á virtud de lo que se le encargo á la citada real orden de veinte-ocho de Abril despuso se comunicarse su contenido literal á los agraciados, esplicandoles las leyes que tratan de la materia para su observancia, lo cual se verifico asi con fecha 11 del corriente, dando parte de ello á V. E. en el mismo dia, segun tambien se encargala para noticio de S. M., y anadiendo que el consejo estimaba conveniente se enteran de todo al capitan general de la ysla de Cuba, y á los gober-

nadores de las dos Floridas, á fin de que por su parte celen el puntual cumplimiento de dicha soberana resolucion, sobre cuyo punto espera contestacion, en caso de que no se haya hecho directamente por ese ministerio. Dios guarde á V. E. muchos años. Madrid, veinte-ocho de Julio de mil ochocientos diez y ocho. Ex'mo señor. Señor secretario de estado y de su dispacho.

Y para que conste, en virtud de resolucion en vista de una comunicacion del ex'mo señor ministro de estado, doy la presente, que és copia fiel, verdadera, y conforme con el original, sellada con el sello de esta secretaria en Madrid, á veinte-cinco de Febrero de mil ochocientos cincuenta.

[SELLO.] BENITO GONZALEZ DE TEJADA.

Don Lorenzo Arrazola, caballero gran cruz de la real y distinguida orden Española de Carlos tercero, y de la Americana de Isabel la catolica, ministro de gracia y justicia, notario mayor del reino, &c., &c.

Certifico, que Don Benito Gonzales de Tejada, por quien esta autorizado el anterior documento és como se titula archivero del ministerio de gracia y justicia, y de su puno y letra la firma que hoy al final; y para que conste doy la presente en Madrid, á veinte y ocho de Febrero de mil ochocientos cincuenta.

LORENZO ARRAZOLA.

Don Pedro Pidal, marques de Pidal, primer secretario de estado y del despacho, &c., &c.

Certifico, que la firma que antecede de D. Lorenzo Arrazola, ministro de gracia y justicia, y notario mayor del reino, és la que acostumbra usar en todos sus escritos oficiales, y que la comunicacion á que se refiere el archivero del ministerio de gracia y justicia, fue hecha por esta secretaria á instancias del señor secretario de la interior de los Estados Unidos; y para que asi conste, firmo la presente en Madrid, el primero de Marzo de mil ochocientos cincuenta.

(Sello ministerio gracia y justicia.) PEDRO J. PIDAL.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States, near the court of her catholic Majesty, do hereby certify, that the certificates aforegoing, of Don Benito Gonzales de Tejada, of Don Lorenzo Arrazola, and his excellency the Marquis of Pidal, are genuine, in due form, and by the proper officers, according to their purport.

And I further certify, that the instruments of writing to which the same are annexed, are true copies of the originals, from which they purport and are certified to have been taken, which exist among those public records of the kingdom of Spain, whereof Don Benito Gonzales de Tejada has official custody, and of which he has furnished the said copies at the request of the Secretary of the Interior of the United

States, communicated through his excellency the Marquis of Pidal, as in the certificate of the said last named officer is truly set forth.

In testimony whereof I have hereunto set my hand, and affixed the seal of this legation, this fifth day of March, 1850.

(Seal of legation of U. S.) D. M. BARRINGER.

Translation of defendant's document No. 19.

Arms of the department of grace and justice. I, Don Benito Gonzalez de Tejada, secretary of his Majesty, exercising powers of decreeing, (con ejercicio de decretos,) and keeper of the archives of the department of grace and justice, certify, that in the collection of documents from the archives of the Indies relating to the grants of lands made by his Majesty in the Floridas to the Count of Punon Rostro, Duke of Alagon, and Don Pedro Vargas, which collection is kept in the archives under my charge, are found the following royal order and answer thereto:

MOST EXCELLENT SIR:

The King, our lord, has understood that, (compromitting the high policy of his Majesty, and in opposition to the only meaning and true spirit of the law,) there is an alienation contemplated of the lands granted in the Floridas to the Duke of Alagon, the Count of Punon Rostro, Don Pedro de Vargas, or other persons, his Majesty commands me to renew to your excellency the order for the information of that (your) council; that as it has been commanded, and as our laws provide the graces, (grants, bounties,) of said lands, are not to be considered as alienable, and much less to strangers.

By royal order I communicate this to your Excellency for your notice, and that of the council, and for the more exact fulfilment of the same.

God preserve your excellency many years.

SALEDON, *July* 19, 1818.

JOSÉ PIZARRO.

The DUKE OF MONTEMAR.

MOST EXCELLENT SIR:

Under date of the 19th instant, your excellency was pleased to call the attention of the council by order of his Majesty to the punctual fulfilment of the order which, has been communicated to it on the 28th of April preceding, in reference to informing the Duke of Alagon, the Count of Punon Rostro, and Count Pedro Vargas, of the precise terms upon which, in conformity with the laws of the Indies, the graces (grants) which his Majesty has been pleased to dispense to them respectively of various lands in the Floridas must be (are to be) understood, (taken,) and of the express qualifications (condition) that they cannot alien the said lands, particularly to foreigners. The reso-

lution having been published in this council, it has decreed the fulfilment thereof, and also that I should make known to your excellency as I hereby do, that in virtue of the injunction to that effect contained in the aforementioned royal order of April 28, the council directed the literal contents of that order to be communicated to the parties interested, explaining to them for their observance the laws which control the matter, all of which was carried into effect under date of the 11th of the present month, and your excellency advised thereof on the same day (as was also directed) for the information of his Majesty, and with the addition that the council deemed it proper that the captain general of the island of Cuba, and the government of the two Floridas, shall be advised of the whole, in order that upon their part they might see to the careful observance of the said sovereign resolution.

Upon this latter point an answer is expected in case said communication has not been distinctly made by your department.

God preserve your excellency many years.

MADRID, *July* 28, 1818.

THE MOST EXCELLENT MINISTER OF STATE.

And in testimony whereof, in virtue of a resolution, and in view of an official communication of his excellency the Secretary of State, I grant these presents, which is a faithful and true copy conformable to the original.

[L. S.] Sealed with the seal of the secretary's office, at Madrid, this 25th day of February, 1850.

BENITO GONZALEZ DE TEJADA.

Don Lorenzo Arrazola, knight grand cross of the royal and distinguished Spanish order of Charles the III, and of the American order of Isabel the catholic, secretary of grace and justice, notary of the kingdoms, &c., &c., do certify, that Don Benito Gonzalez de Tejada, by whom the foregoing document is authorized, is, as he styles himself, keeper of the archives of the department of grace and justice, and that the signature attached to the same is in his own handwriting.

In testimony whereof, I grant these presents at Madrid, this 28th February, 1850.

LORENZO ARRAZOLA.

DON JOSÉ PEDRO PIDAL,

Marquis of Pidal, chief secretary of state and of despatch, &c.

I certify that the foregoing signature of Don Lorenzo Arrazola, secretary of grace and justice, and principal notary of the kingdoms, is the same which he uses in all his official instruments, and that the communication to which the keeper of the archives of the department of grace and justice refers, was granted at this office, at the instance of

the Secretary of the Interior of the United States; and that it may thus appear, I sign these presents, at Madrid, on the 1st of March, 1850.

[L. S.] PEDRO J. PIDAL.

[Here follows the certificate of Daniel M. Barringer, minister, &c., of the United States.]

I do hereby certify that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

And the defendant also offered in evidence the following document, numbered and marked as Defendant's exhibit No. 20, being an authenticated copy of a royal order of 27th July, 1818.

Defendant's document No. 20.

Copy of royal order of 29th July, 1818.

Primera Secretaria del Despacho de Estado:

Copia de la real orden de 28 de Abril de 1818, prohibiendo la enagenacion de los terrenos concedidos en las Floridas.

Ex'mo Señor: Con fecha de 28 de Abril ultimo de real orden he comunicado al Sr. Presidente del Consejo de Indias lo que sigue:

Ex'mo Sr.: Cuando el Rey, N. Sr., tuvo á bien poco tiempo hace condescender en el repartimiento que de diferentes terrenos de sus dominios de las Floridas, pretendieron algunos de sus benemeritos vasallos, fue en el consepto, de que esta gracia no hubiese de causar ningun perjuicio, y en calidad de usar de ella los agraciados con arreglo al sistema legislativo que rige en la materia como espresamente la manifesto S. M. en su propria concesion comunicada á ese supremo tribunal, pasandole juntamente copias literales de sus respectivos solicitudes para su examen. En este estado, habiendo llegado S. M. á entender que la codicia solicita de los estrangeros sorprendiendo la buena fé de los agraciados trata de entrar en negociaciones para apropiarse en todo ó en parte de estas gracias, ó aprovecharse de su beneficio, lo que se verificarse ademas de muchos inconvenientes politicos, podria ocasionar grandes perjuicios á los mismos agraciados por la nulidad de sus contratas, no obstante su buena fée, para precaver S. M. tomanos males ha resuelto que por ese supremo tribunal por el que se han expedido las cedulas de concesion se prevenga á cada uno de los interesados en ellos, los terminos precisos en que deben entenderse conforme á la misma gracia, y esplicandosela para que la generalidad con que esta concebida de "concedido en cuanto no se oponga á las leyes, pueda dar nunca lugar á interpretaciones, y haciendoles entender que no esta en su arbitrio enagarlos, ni en parte ni en todo, particularmente á los estrangeros:

Lo participo, á V. E. de su real orden para su inteligencia y cumplimiento en el consejo de que dara cuenta á S. M." Lo que translado á V. E. de la misma real orden, por lo que pueda convenir en ese ministerio por lo respectivo á Yndias, asi como que con fecha de 19 del corriente, he recordado al proprio consejo la puntual observancia de aquel decreto con motivo de haber llegado á entender S. M. que comprometiendose su alta politica, y contra el sentido unico y verdadero espiritu de las leyes, se promovia la enagenacion de las tierras concedidas en las Floridas á varias individuos. Dios guarde á V. E. ms. as. Sacedan, 27 de July de 1818. (Firmado.)

JOSE PIZARRO,

Sr. Secretario del despacho de hacienda de Indias.

Como ministro de estado, certifico que el escrito que precede esta fielmente copiado de la minutas que existen en el archivo del ministerio de mi cargo; en prueba de lo cual á instancias del secretario de lo interior de los Estados Unidos, doy la presente, firmada de mi mano y sellada con el sello de este ministerio, en palacio, á 13 de Febrero, de mil ochocientos cincuenta.

(Sello de sec'o estado.) PEDRO J. PIDAL.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States, near the court of her catholic Majesty, do hereby certify, that the certificate aforegoing of his excellency, the Marquis of Pidal, first secretary of State of her catholic Majesty, given at the request of the Secretary of the Interior of the United States, is genuine, in due form, and by the proper officer.

And I do further certify, that instrument of writing, to which the same is annexed, is a true copy of the original from which it purports to have been taken, and which exists among those public records of the kingdom of Spain, whereof the individual so certifying has official custody.

{Seal of the legation of U. S.} In testimony whereof I have hereunto set my hand and the seal of this legation, this 22d day of February, A. D. 1850.

D. M. BARRINGER.

Principal secretary's office of the Department of State.

Copy of the royal order of April 28th, 1818, prohibiting the alienation of the lands in the Floridas.

MOST EXCELLENT SIR: Under date of the 28th of April last past, I have by royal order communicated to the president of the council of Indies the following: "Most excellent sir: When the King, our lord, saw fit a short time since to condescend to make the distribution which several of his well deserving vassals solicited him to make of different lands in his dominions in the Floridas, it was with the understanding

that this favor was to cause no prejudice, (have no ill consequences,) and upon condition that the parties to whom it was extended were to avail themselves of it, in accordance with the legislative system governing the premises, as his Majesty expressly manifested in his very grant, communicated to your supreme tribunal, passing to it at the same time for its examination literal copies of the respective petitions. In this state of things, H. M. having learned that the watchful cupidity of foreigners imposing upon the good faith of the grantees is seeking to enter upon negotiations in order to appropriate to itself the said favors (graces) in whole or in part, or to avail itself of the benefits thereof which, if it were to take place, might, besides many political inconveniences, occasion great prejudice to the *the* grantees themselves. On account of the nullity of their contracts, notwithstanding their good faith, his Majesty, in order to prevent evils of so much consequence, has resolved that your supreme tribunal, which issued the cedulas of concession, (grant) shall make known to each one of the parties interested therein the precise meaning to be attached to the same, in conformity with the grant itself, and explaining to them the said grant, to the effect that the generality of the expression used, viz: 'Granted in so far as it may not be opposed to the laws,' shall never give room for indefinite construction, and making them understand that it is not within their discretion to alien the said grants in part or in the whole, particularly to foreigners. I communicate this to your excellency by his Majesty's royal order, for the understanding and fulfilment thereof by the council, which will make due report of the same to his Majesty." I communicate the same to your excellency by the same royal order for the purposes for which it may concern your department, in so far as relates to the Indies; having likewise, under date of the 19th of the present month, again directed the attention of the said council to the punctual observance of the said decree, in view of the fact that his Majesty had recently learned, that in embarrassment of his high policy, and in opposition to the only meaning and true spirit of the laws, the alienation of the lands granted in the Floridas to various individuals was in agitation.

God preserve your excellency many years. Sacedon, July 27th, 1818.

Signed, JOSE PIZARRO.

To the SECRETARY OF THE FINANCE OF THE INTERIOR.

As minister of state, I certify that the foregoing writing is faithfully copied from the minutes existing in the archives of the department under my charge.

In testimony whereof, at the request of the Secretary of the Interior of the United States, I give these presents, signed by my hand and sealed with the seal of this department, at the palace, this 13th day of February, 1852.

[Seal of state.] Signed, PEDRO J. PIDAL.

[Here follows Mr. Barringer's certificate.]

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

(Signed,) JOHN M. FONTANE,
Translator.

And the defendant then read in evidence the following document, numbered and marked as Defendant's document No. 21, being a royal cedula dated 10th of August, 1818, directed to the Captain General of Cuba and Governor of Florida, commanding them to enforce the laws, &c., &c.

Defendant's document No. 21.

[SEAL.] Don Benito Gonzales de Tejada, secretario de S. M. con ejercicio de decretos, y archivero del ministerio de gracia y justicia :

Certifico, que en el expediente del archivo de Yndias, relativo á las concesiones de terrenos, hechas por S. M. en las Floridas, á los señores Conde de Punon Rostro, Duque de Alagon, y Don Pedro Vargas, cuyo expediente se custodia en el de mi cargo, se halla la inscrita de la real cedula siguiente :

El Rey, governador y capitan general de la isla de Cuba y su distrito : Por muy reales cedulas de seis de Febrero y nueve de Abril ultimos, tuve á bien conceder respectivamente al Duque de Alagon, Conde de Punon Rostro, y Don Pedro de Vargas, residentes en esta corte, diferentes porciones de terrenos en ese distrito de las Floridas, segun la delineacion que en cada una de ellas se expresa, y con el loable objeto de que promoviesen su poblacion y cultivo, encargandos á vos auxiliaseis esta empresa con arreglo á las leyes que gobiernan en la materia, pero habiendo llegado á entender que comprometiendose la alta politico que me he propuesto observar, y contra el sentido unico y verdadero espiritu de las indicadas leyes, se promovia la enagenacion de los citados terrenos á personas estrangeras encargue á mi consejo de las Yndias, por real orden de 28 del propio Abril, que para evitar todo motivo de duda ó interpretacion acerca de los terminos precisos en que deben entenderse hechos esta gracias, explicase á cada uno de los interesados las reglas á que estan sujetas por la ley, como tambien mi soberana voluntad de que no puedan enagenarlos, y mucho menos á estrangeros. Publicada esta real orden en el espresado mi consejo estimo conveniente ó en su razon á la contaduria general y mi fiscal, y en virtud de lo que expresieran, dispueso el puntual cumplimiento de ella, para lo cual con su insercion instruyo á cada uno de los agraciados en once de Julio ultimo, del contenido de las leyes de Yndias, y especialmente de las comprendidas en las titulas 5o, 6o, 7o y 12o, del libro 4o, en los terminos siguientes ley 1a y 2a, titulo 5o. Que los nuevos, &c., hasta la ley 12 enclusive ; y habiendose dado cuarta de todo el mismo tribunal al proprio tiempo que ha merecido mi aprobacion, he resuelto que se ascriber de ello para vuestro gobierno. En su conse-

cuencia á ordeno y mando que en el caso de que se á presenten las referidas cedulas de seis de Febrero y nueve de Abril de este año, por parte de todos ó cada uno de los agraciados en ellos para su cumplimiento, dispongais lo conveniente á que sea y se entienda con sujecion á las leyes comprendidas en los titulos explicados, y ademas con la cualidad precisa de que no puedan enagenar los indicados terrenos, y mucho menos á estrangeros, en cuyo ultimo caso se tendran como eso hechas; que asi és mi voluntad, y que de esta cedula se tome razon en la contaduria general de Yndias. Fecha en palacio, en diez de Agosto de mil ochocientos diez y ocho. Se comunico tambien al gobernador de las Floridas.

Y para que conste, en virtud de resolucion con vista de una comunicacion del ex'mo sr. ministro de estado, doy la presente, que és copia fiel, verdadera, y conforme con el original, sellado con el ello de esta secretaria, en Madrid, á diez y nueve de Febrero de mil ochocientos cincuenta.

[L. S.] BENITO GONZALEZ DE TEJADA.

Don Lorenzo Arrazola, caballero gran cruz de la real y distinguida orden Española de Carlos de tercero, y de la Americana de Ysabel la catolica, ministro de gracia y justicia, notario mayor del reyno, &c., &c.

Certifico, que Don Benito Gonzalez de Tejada, por quien esta autorisad el anterior documento, és como se titula archivero del ministerio de gracia y justicia, y de su puno y letra la firma que hoy al final. Para que conste, doy la presente, en Madrid, á veinte-ocho de Febrero de mil ochocientos cincuenta.

LORENZO ARRAZOLA.

Don Pedro José Pidal, primer secretario de estado y del despacho, &c., &c. Certifico, que la firma que antecede de D. Lorenzo Arrazola, ministro de gracia y justicia, y notario mayor del reino, és la que acostumbra usar en todos sus escritos oficiales, y que la comunicacion á que se refiere el archivero del ministerio de gracia y justicia, fue hecha por este secretario á instancias del sr. secretario de lo interior de los Estados Unidos. Y para que asi conste, firmo la presente en Madrid, á primero de Marzo de mil ochocientos cincuenta.

[SEAL.] PEDRO J. PIDAL.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States near the court of her catholic Majesty, do hereby certify, that the certificates aforegoing of Don Benito Gonzales de Tejada, Don Lorenzo Arrazola, and his excellency the Marquis of Pidal, are genuine, in due form, and by the proper officers, according to their purport.

And I further certify, that the instrument of writing to which the same are annexed, is a true copy of the original from which it purports and is certified to have been taken, which exists among those

public records of the kingdom of Spain, whereof Don Benito Gonzales de Tejada aforesaid has official custody, and of which he has furnished the said copy at the request of the Secretary of the Interior of the United States, communicated through his excellency the Marquis of Pidal, as in the certificate of the said last named officer is truly set forth.

In testimony whereof I have hereto set my hand and affixed the seal of this legation, this fifth day of March, 1850.

[L. S.] D. M. BARRINGER.

Translation Doc. 21.

Arms of the Department of Grace and Justice.

I, Don Benito Gonzales de Tejada, secretary of her Majesty, exercising powers of decreeing, (con ejercicio de decretos,) and keeper of the archives of the department of grace and justice, certify, that in all the collection of documents from the archives of the Indies, relative to the grants of lands made by H. M. in the Floridas to the Count of Punon Rostro, Duke of Alagon, and Don Pedro Vargas, which collection is kept in the archives under my charge, are found the minutes of the following royal cedula:

The King. Governor and captain general of Cuba and its district: By my royal cedulas of February 6th and April 9th last past, I saw fit to grant to the Duke of Alagon, Count Punon Rostro, and Don Pedro Vargas, residing at this court respectively, different portions of lands in the district of the Floridas, according to the demarcation set forth in each of the said cedulas, and with the laudable object of promoting the population and cultivation of said lands, and charging you to aid the said enterprise with due regard to the laws regulating the matter, but having understood that in embarrassment of the high policy which I have proposed to myself to observe, and in violation of the only meaning and true spirit of the laws referred to, it was in agitation to alien the same lands to foreigners, I charged my council of the Indies, by royal order, 28th April aforesaid, that in order to avoid all motive for doubt or construction in regard to the precise terms upon which the said graces (favors, grants) must be understood to have been made, they should explain to each one of the parties interested the rules to which the said graces (grants) are subjected by the law, as well as also my sovereign will that they shall not alien them, much less to strangers. That royal order having been published in my said council, they thought fit to hear in regard to it the contaduria general and my fiscal [attorney,] and in view of what those officers suggested, they took measures for the exact fulfilment of my said order, to which intent and inserting the said order they instructed each one of the beneficiaries [grantees] on the 11th of July last, as to the contents of the laws of the Indies, and especially those comprehended in the 5, 6, 7, and 12th of book 4, in the terms following: Law 1 and 2, title V. That

the new, &c., down to law 12, inclusive; and the said tribunal having made report to me of the whole thereof, at the same time that the same has deserved my approbation, I have resolved that you be informed of it for your government. I consequently order and command you, that in case the afore mentioned cedula of the 6th of February and 9th of April of this year, be presented to you on the part of all or any of the parties beneficiaries named therein for their fulfilment, you will take suitable steps to provide that it be, and understood to be, with subjection to, the laws comprehended in the titles explained, [referred to,] and over and above with the express qualification that they cannot alien the lands referred to, and much less to strangers, in which last case they shall be taken as not made. For thus it is my will; and let note be taken of this cedula in the contaduria general de Indies.

Done at the Palace on the 10th day of August, 1818.

It was communicated also to the Governor of the Floridas.

The defendant also offered in evidence the following document, numbered and marked as Defendant's document No. 22, being an order of Gov. Coppinger, governor of the province of East Florida, upon receipt of the order last herein before recited, bearing date 28th November, 1818:

Defendant's document, No. 22.

Remito á V. S. la adjunta rl. cedula de lo del corriente, por la que se ha dignado declarar S. M. los terminos precisos en que debe hacerse uso de los terrenos concedidos en esa provincia al Sor. Duque de Alagon, Conde de Punon Rastro, y Don Pedro de Vargas, por cedulas de 6 de Mayo y nueve de Abril de este año, á fin de que V. S. disponga por su parte lo conveniente á su exacto cumplimiento y del recivo me dara aviso.

Dios guarde á V. S. en Madrid, 14 de Agosto, 1818.

SILVESTRE COLLAR,

Sr. Gobernador de St. Augustin de las Floridas.

San Agustin, 28 de Novembre de 1818. Pase este oficio con la real cedula inserta al sr. auditor de guerra, para que me consulte.

(Signed) COPPINGER.

St. Augustin de la Florida, Noviembre 29 de 1818: Vistos, guardese, cumplase, y executese quanto S. M. se ha dignado disponer en su rel. cedula, fha. en palacio ci diez de Agosto del corriente año, y al efecto communiquese al publico por medio de edictos que al efecto se fixaran por la escribania de este gobierno.

Signed, COPPINGER,
SAAVEDRA.

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office, at the city of St. Au-
[SEAL.] gustine, State of Florida, this eighth day of November, A. D. one thousand eight hundred and forty-seven.

ANTONIO ALVAREZ, *K. P. A.*

Translation, document No. 22.

I transmit to your excellency the annexed royal patent of the 10th of the present month, by which his excellency has been pleased to declare the precise terms upon which use must be made of the lands granted in his province to the Duke of Alagon, count of Punon Rostro, and Don Pedro de Vargas, by patents of the 6th of May and ninth of April of this year, to the end that your excellency take the necessary measures on your part for its exact fulfilment, and of the receipt of which you will give me notice.

May God preserve you many years. Madrid, 14th of August, 1818.

"Signed," SILVESTRE COLLAR.

The Governor of St. Augustine, of the Floridas.

St. Augustine, 28th November, 1818: Let this document, with the royal patent enclosed, be referred to the auditor of war, that he may consult me.

"Signed," COPPINGER.

St. Augustine, of Florida, November 27th, 1818: Having seen, let all be complied with, put into effect, and executed, which his Majesty has been pleased to order in his royal patent, dated in the Palace, the tenth of August of the current year; and to that effect, let it be communicated to the public by means of edicts, which for that purpose will be posted up by the escribano of the government.

"Signed," COPPINGER,

"Signed," SAAVEDRA.

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed. St. Augustine, Florida, January 4th, 1848.

JOHN M. FONTANE,
Special translator, district court,
United States, northern district, Florida.

And the defendant also offered and read in evidence the following document, numbered and marked as Defendant's document No 23, being a royal cedula from the council of the Indies, communicating to the Captain General of Cuba the royal order of the 10th of August, 1818.

Defendant's document No. 23.

Royal cedula of 10th August, 1818.

El Rey.

Mi gobernador de las Floridas. Por mis rl. cedulas de seis de Febrero y nueve de Abril ultimos, tube á bien conceder respectivamente al Duque de Alagon, Conde de Punon Rostro, y Dn. Pedro de Vargas, residentes en esta corte, diferentes porciones de terrenos en ese distrito, segun la delineacion que en cada una de ellas se expresa, y con el loable objeto de que promoviesen su poblacion y cultivo encargandoas á vos auxiliaseis esta empresa, con arreglo á las leyes que gobiernan en la materia; pero habiendo llegado á entender que comprometiendose la alta politica que me he propuesto observar, y contra el sentido unico y verdadero espiritu de las indicadas leyes, se promovia la enagenacion de los indicados terrenos á personos estrangeros encargue á mi consejo de las Indias por rl. orden de veinte y ocho de Abril, que para evitar todo motivo de duda ó interpretacion acerca de los terminos precisos en que deben entenderse hechas estas gracias explicase á cada uno de los interesados las reglas á que estan sujetas por la ley, como tambien mi soberana voluntad, de que no puedan enagenarlas, y mucho menos á estrangeros. Publicada esta rl. oden en el expresado mi consejo estimo conveniente asi en su rason á la contaduria general y mi fiscal, y en vista de lo que expresieron dispuso el puntual complimiento de ella, para lo qual, con su insercion, instruyo á cada uno de los agraciados en once de Julio ultimo, del contenido de las leyes de Indias, y especialmente de las comprehendidas en los titulos quinto, sexto, septimo, y doce del libro quarto en los terminos siguientes:

Ley 1a y 2a, titulo 5o.

Que los nuevos pobladores en los dominios de Indias, cuiden de que se fixen los pueblos en parages sanos y fertiles, y abundantes de todo lo necesario para vivir, y que tenga buenas entradas y salidas por mar y tierra.

Ley 3a, tito. id.

Que para labradores y oficiales puedan [los] Indias de su voluntad, con tal de que no sean de los que estan ya pobladors y tienen casa y tierra, ni de los de repartimiento.

Ley 6a, 6a, tito. id.

Que para poblar alguna villa de Españoles por medio de assiento se haga la capitulacion con estas calidades, que dentro del termino que le fuere señalado tenga por lo menos treinta vecinos, y cada uno de ellos,

una casa, diez vacas de vientre, quatro bueyes, ó dos bueyes y dos novillos, una yegua de vientre, una puerca de vientre, veinte obejos de vientre de Castillo, seis gallinas y un gallo, con yglesia provista y un capellan.

Ley 11, tito. id.

Que el que pueble de este modo tenga la jurisdicion civil y criminal por dos vidas con facultad de nombrar alcalde y ayuntamiento.

Ley 2a, tito. 6o.

Que el primer poblador y vecinos que fueren á la nueva poblacion desde estos reynos, no paguen derechos de almojarifazgo, ni otros algunos rs. de lo que llevaren para sus casas y mantenimientos en el primer viage.

Ley 3a, tito. id.

Que los mismos puedan usar de armas ofensivas y defensivas dando fianza de no hacer mal uso de ellas.

Ley 5a, tit. id.

Que sean preferidas por sus personos en los premios y encomiendos, aunque no sean casados.

Ley 6a, tit. id.

Que los personos, hijos y descendientes legitimos de los que se obligaren á hacer poblacion y hubieren cumplido su asiento sean hijos, dalgo y personas nobles de linage.

Ley 1a, tita. 7o.

Que la provincia ó comarca que se hubiere de poblar, y el sitio donde se have de hacer las nuevas poblaciones sea levantado sano y fuertes con consideracion al abrigo fondo y defensa del puerto, y su estas y las de mas tierra adentro se eligan sitios vacantes sin perjuicio de los Indios y naturales, ó con su libre consentimiento; guardando en la construccion de casas y calles el metodo mas conforme al buen gusto y ornato de las poblaciones.

Ley 2a, tito. id.

Que con conocimiento de dhas. circomstancias, el gobernador del distrito declare el pueblo que se ha de poblar, si ha de ser ciudad, villa, ó lugar, y en su vista se formara concejo que tenga un juez ó alcalde, mayor ó corregidor, ó alcalde ordinario, ayuntamiento, y demas funcionarios publicos correspondientes á cada una de las tres clases.

Ley 6a, tito. id.

Que no se pueda poblar en los puertos de mar, ni en parte que en algun tiempo pueda redundar en perjuicio del Rey y de la republica.

Ley 7a, tito. id.

Que el terreno señalado á poblador por capitulacion se reparta en porciones convenientes en esta forma la correspondiente para poblar, los exidos, las debesas para partes de ganados; y del resto se hagan quatro partes, la una para el que este obligado á hacer la poblacion, y las otros tres para repartido en suertas á los colones pobladores.

Ley 20, 21, y 25, tito. id.

Que el que haga los asientos para poblar cuide de que tengan cumplido efecto dentro del termino que se señale, tomando cuenta de lo que se fuere adelantando que los regidores y procuradores pidan con instancia contra los pobladores que á los plazos estipulados no hayan cumplido; y los justicios los apremicer por todo rigor de derecho, á no haber sobre venido accidente fortuito, en cuyo caso podra el gobernador prorogar el tiempo necesario.

Ley 2a, titulo 12.

Que ci los que en poblacion de alguna provincia ó distrito tubieren tierras y solar en mi pueblo no se les pueda dar ni repartir en otro, sino fuere dejando enteramente la primera residencia á no ser que hayan vivido en ella los quatro años prevenidos para adquirir el dominio.

Ley 3a, tito. id.

Que los que aceptaren el asiento para poblar se obliguen ci-tenir edificados los solares, poblada la casa, repartidas y en labor las tierras y hecho plantio y demas estipulado pena de perder lo todo.

Ley 9 y 10, tito. id.

Que las estancias y tierras que se dieren á los Españoles, sean sin perjuicio de los Indios en el concepto de que calificandose ser de estos hayan de delvolverseles precisamente: y que en ningun caso puedan venderse las tierras á iglesia, monasterió, ó persona eclesiastica pena de perderlas.

Ley 11, tito. id.

Que todos los vecinos y moradores á quienes se hiciese repartimiento de tierras sean obligados dentro de tres meses á tomar posecion de ellas y plantar todas las lindes y confines que tubieren con las otras tierras de sauces y arboles, siendo en tiempo, á fin de ponerlas en buena y apacible disposicion, y los que no lo hicieren las pierdan.

Ley 12, tito. id.

Y que las estancias para ganados en las nuevas poblaciones se den apartadas de pueblos y sementeras de Indios, á fin de evitarlas todo perjuicio, y q'l en caso de causarles *todo perjuicio, y q'l en caso de causarles* alguno cuiden, las justicias de que se les satisfagan.

Y habiendome dado cuenta de todo el mismo tribunal al proprio tiempo que ha merecido mi aprovacion, he resuelto que se entere de ello para vuestro gobierno. En su consecuencia en ordeno y mando que en el caso de que se és presenten las referridas cedulas de seis de Marzo y nueve de Abril de este año, por parte de todos, ó cada uno de los agraciados en ellas para su complimiento, dispongais lo conveniente á que sea y se entienda con sujecion á las leyes comprehendidas en los titulos explicados, y ademas con la qualidad precisa de que no puedan enagenar los indicados terrenos, y mucho menos á estrangeros, en cuyo ultimo caso se tendran como no hechas, y que asi és mi voluntad, y que de esta cedula se tome razon en la contaduria general de Indias. F'ha en Palacio á diez de Agosto de mil ochientos diez y ocho.

Yo, EL REY.

Por mdo. del Rey, rv. sr.

(Signed) SYLVESTRE COLLAR.

D. de oficio.

(A flourish.) (Three flourishes.)

Al Gobernador de las Floridas, participandole los terminos precisos en que debe hacerse uso de los terrenos que por rl. cedulas de seis de Marzo y nueve de Abril ultimos, se concedieron en aquel distrito al Duque de Alagon, Conde de Punon Rostro, y Don Pedro Vargas, residentes en esta corte.

CORR'DA.

(A flourish.)

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify, the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office, at the city of St. Augustine, [L. S.] State of Florida, this ninth day of November, A. D. one thousand eight hundred and forty-seven.

(Signed) ANTONIO ALVAREZ.

Translation of defendant's document No. 23.

The King.

My governor of the Floridas: By my royal patents of the sixth of Februrary and the ninth of April last, I was pleased to grant, respectively, to the Duke of Alagon, Count of Vonon Rostro, and Don Pedro de Vargas, residents at his court, different portions of land in that district, according to the outline which is expressed in each of them, and with the laudable object of promoting its cultivation, enjoining you to further this enterprise in accordance with the laws which govern in the matter. But having come to understand that the elevated policy

which I had proposed to myself to observe, and contrary to the sole intent and true spirit of the laws indicating the transfer of the lands alluded to to foreigners was contemplated, I charged my council of the Indies, by a royal order of the twenty-eighth of April, in order to avoid all reason for doubt or interpretation with regard to the precise terms in which the grants made ought to be understood, that the rules to which they are subject by the laws be explained to each of those interested; as also my sovereign will that they have no power to transfer them, and much less so to strangers. This royal order being published in my said council, it deemed proper to hear in account the comptroller general and my attorney general, and in view of what they set forth it directed the punctual fulfilment hereof, for which purpose, together with its insertion, it informed each of the grantees, on the eleventh of July last, of the contents of the laws of the Indies, and especially of those embraced in the titles fifth, sixth, seventh, and twelfth of book fourth, in the following terms:

Law 1st and 2d, title 5th.

That new settlers in the dominions of the Indies be careful that the towns be established in healthy fertile places, and which abounds in every thing necessary for subsistence, and that they have good entrances and outlets by sea and land.

Law 3d, title idem.

That Indians may of their own accord go as farmers and laborers, provided that they be not of those already settled, and who own a house and land, nor of those of the repartimiento.

Law 6th, title idem.

That for the purpose of settling any village of Spaniards by virtue of contract, a stipulation be made, with these conditions, viz: That within the time designated it have at least thirty inhabitants, and each of these ten breeding cows, four oxen, or two oxen and two steers, one breeding mare, one breeding sow, twenty breeding sheep, from Castile, six fowls and a cock, with an endowed church and a chaplain.

Law 11th, title idem.

That he who founds settlements in this manner have civil and criminal jurisdiction for two lives, with the power of naming an alcalde and council.

Law 2d, title 6.

That the first founder and inhabitants who may go to the new settlement from these realms pay no duties on goods, nor any other royal imports, upon what they may carry for their houses and their maintenance on the first voyage.

Law 3d, title idem.

That the same be empowered to use arms, offensive and defensive, giving bonds not to make bad use of them.

Law 5th, title idem.

That they be preferred for their own persons in the rewards and commendations, though they be not married.

Law 6th, title idem.

That the persons, sons and legitimate descendants of those who are bound to effect settlement, and who have fulfilled their contract, be hidalgos, and persons of noble descent.

Law 1st, title 7th.

That the province or district which is to be settled, and the site where new settlements are to be made, be elevated, healthy, and strong with a reference to the protection, anchorage, and defence of the port; and that in these, and those further inland, vacant spots be selected, without prejudice to the Indians or natives, or with their free consent; observing, in the construction of houses and streets, the method most agreeable to the good taste and ornament of the settlement.

Law 2d, title idem.

That, with a knowledge of the circumstances spoken of, the governor of the district declare whether the town which has to be settled is to be a city, village, or place; and in view of it, a council will be formed, having a judge or alcalde, mayor or corregidor, or alcalde ordinary, city council, and other public functionaries, answering to each of the three classes.

Law 6th, title idem.

That no settlement can be made in sea-ports, nor in a place which at any time may redound to the prejudice of the King and of the republic.

Law 7th, title idem.

That the land pointed out to the settler by contract be divided into convenient portions in this form: That for settlements the level places, the commons as a pasture ground for cattle; and of the remainder, four parts are to be made—one for him who is bound to establish the settlement, and the other three to be distributed by lot to the colonial settlers.

Laws 20th, 21st, and 25th, title idem.

That he who makes the contracts for settlement be careful that they have full effect within the terms which are laid down, taking account of their progress; that regidores and procuradores institute suit against

the settlers who may not have complied with their stipulated engagements, and the justices compel them by all the severity of law: Provided, some fortuitous accident has not occurred; in which case the governor will have authority to prolong the necessary time.

Law 2d, title 12.

That it be not permitted to grant or distribute to those who, in the settlement of any province or district, may have lands and a ground lot, the same in another, if the first residence has not been entirely abandoned, unless they have lived in it the four years necessary to acquire the dominion.

Law 3d, title idem.

That those who may accept the contract for settling bind themselves to have the lots built upon, the house tenanted, the land set off and worked, plantation established, and whatever is stipulated, under pain of forfeiting the whole.

Law 7th and 10th, title idem.

That the estates and lands which may be given to the Spaniards be so without prejudice to the Indians; with the understanding that, when proved to belong to them, they must be punctually returned to them; and that in no case can the lands be sold to a church, monastery, or ecclesiastic, under pain of forfeiting them.

Law 11th, title idem.

That all the residents and inhabitants to whom a distribution of lands has been made be bound to take possession of them within three months, and to plant all the boundaries and confines which they may have, together with the other lands, with willows and trees, this being done in season; and those who do not do so shall forfeit them.

Law 12, title idem.

Likewise, that the places for cattle in the new settlements be given apart from towns and fields of the Indians, with a view of avoiding all prejudice to them; and that, in the event of causing them any, the justices take care that they be compensated. And the same tribunal having given me an account of the whole, at the same time that it has met my approbation, I have resolved that you be informed of it for your government.

Wherefore I order and command you that, in case the patents referred to of the sixth of March and the ninth of April of this year be presented to you on the part of the whole or each of the parties in them for their fulfilment, you do what is necessary for their being, and being understood as subject to the laws embraced in the titles set forth; and, moreover, with the express provision that they have no

power to transfer the lands pointed out, and much less so to strangers, in which case they will be held not as made; and that account to be taken of this patent in the exchequer general of the Indies.

Dated in the Palace, the tenth of August, eighteen hundred and eighteen.

I, The KING.

By the command of the King, our lord:

"Signed," SILVESTRE COLLAR.

Official.

(A flourish.) (Three flourishes.)

To the Governor of the Floridas, communicating to him the precise terms upon which use must be made of the lands which, by the royal patents of the sixth of March and the ninth of April last, are granted in that district to the Duke of Alagon, Count of Vonon Rostro, and Don Pedro de Vargas, residents at this court.

Corrected. (A flourish.)

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed. St. Augustine, Florida, January 4th, 1848.

JOHN M. FONTANE,
Special translator, district court,
United States, of the northern district, Florida.

And the defendant also read in evidence the following document, numbered and marked as Defendant's document No. 24, being the return of Gov. Coppinger as to his action on the royal order aforesaid, dated February, 1819.

Defendant's document No. 24.

Don Benito Gonzalez de Tejada, secretario de S. M., con ejercicio, y archivero del ministerio de gracia y justicia, &c., &c.

Certifico, que en el expediente del archivo de Yndias relativo á las concesiones de terrenos hechas por S. M. en las Floridas á los señores Conde de Punon Rostro, Duque de Alagon, y D. Pedro Vargas, cuyo expediente se custodia en el de mi cargo, se halla la comunicacion siguiente del gobernador de las Floridas: He recibido dispuesto el debido cumplimiento de real cedula que V. S. me acompaña con oficio de cuatro de Agosto del año prosimo pasado, por lo cual se ha dignado S. M. declarar los terminos precisos en que debe hacerse uso de los terrenos concedidos en esta provincia, al ex'mo sr. Duque de Alagon, Conde de Punon Rostro, y D. Pedro de Vargas. Dios guarde á V. S. muchos años. San Augustin de la Florida, 25 de Febrero de 1819.

JOSE COPPINGER.

Señor D. Silbestre Collar.

Y para que conste, en virtud de resolucion en vista de mi oficio del

ex'mo señor ministro de estado, doy la presente, que és copia fiel, verdadera, y conforme con el original, sellada con el de esta secretaria en Madrid, á veinte y cinco de Febrero de mil ochocientos cincuenta.

BENITO GONZALES DE TEJADA.

Don Lorenzo Arrazola, caballero gran cruz, &c., la real y distinguida orden Española de Carlos tercero, y de la Americana de Ysabel la catolica, ministro de gracia y justicia, notario mayor del reyno, &c., &c.

Certifico, que Don Benito Gonzalez de Tejada, por quien esta autorisado el anterior documento, el como se titula, archivero del ministerio de gracia y justicia, y de su puno y letra la firma que hay al final; y para que conste doy la presente, en Madrid, á veinte-ocho de Febrero de mil ochocientos cincuenta.

LORENZO ARRAZOLA.

Don Pedro José Pidal, marques de Pidal, primer secretario de estado y del despacho, &c., &c.

Certifico, que la firma que antecede de Don Lorenzo Arrazola, ministro de gracia y justicia, notario mayor del reino, és la que acostumbra usar en todos sus escritos oficiales, y que la comunicacion á que se refiere el archivero del ministerio de gracia y justicia, que hecha por esta secretaria á instancias del señor secretario de lo interior de los Estados Unidos; y para que asi conste, firmo la presente en Madrid, á primero de Mayo de mil ochocientos cincuenta.

PEDRO J. PIDAL.

Translation of defendant's document No. 24.

Arms of the Department of Grace and Justice.

I, Don Benito Gonzales de Tejada, secretary of her Majesty con ejercicio, and keeper of the archives of the department of grace and justice, certify, that in the collection of documents from the archives of the Indies, relating to the grants of land made by his Majesty in the Floridas, [to] Count of Punon Rostro, Duke of Alagon, and Jose Pedro Vargas, which collection is kept in the archives under my charge, is found the following communication from the Governor of the Floridas:

"I have received and provided for the due execution of the royal cedula which you transmit me, with a despatch of the fourth of August of last year, whereby his Majesty has deigned to declare the precise terms upon which the lands granted in this province to the most excellent Duke of Alagon, Count of Punon Rostro, and Don Pedro de Vargas must (are to) be made use of. God preserve you many years.

St. Augustine, Florida, February 25th, 1819.

JOSE COPPINGER.

To Don Silbestre Collar."

In testimony whereof, in virtue of an order passed in view of a com-

munication from the most excellent minister of state, I give this present, which is a correct and true copy, conforming with the original.

Sealed with the seal of this department at Madrid, February 25th, 1850.

(Seal of grace and justice.) BENITO GONZALES DE TEJADA.

I, Don Lorenzo Arrazola, knight grand cross of the royal and distinguished Spanish order of Charles the 3d, and of the American order of Isabella the catholic, minister of grace and justice, grand notary of the kingdom, &c., &c., certify, that Don Benito Gonzales de Tejada, by whom the preceding document is authenticated, is, as he styles himself, keeper of the archives of the department of grace and justice, and that the signature at the close of said authentication is his proper handwriting.

In testimony whereof I give these presents, at Madrid, this 28th day of February, 1850.

(Signed) LORENZO ARRAZOLA.

I, Don Pedro Jose Pidal, marquis of Pidal, chief secretary of State, &c., &c., &c., certify, that the aforegoing signature of Don Lorenzo Arrazola, minister of grace and justice, principal notary of the kingdom, is that which he is accustomed to use in all his official writings; and that the communication to which the keeping of these archives of the department of grace and justice refers was made by this department at the request of the Secretary of the Interior of the United States.

In testimony whereof I sign these presents, at Madrid, this first day of March, 1850.

(Signed) PEDRO J. PIDAL.

[L. S.]

Here follows Mr. Barringer's certificate.

I do hereby certify that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States, near the court of her catholic Majesty, do hereby certify, that the certificates aforegoing of Don Benito Loyaleez de Tegada, Don Lorenzo Arrazola, and his excellency the Marquis of Pidal, are genuine, in due form, by the proper officers, according to their purport. And I further certify, that the instrument of writing to which the same are annexed is a true copy of the original from which it pur-

ports and is certified to have been taken, which exists among the public records of the kingdom of Spain, whereof Don Benito Loyaleez de Tegada aforesaid has official custody, and of which he has furnished the said copy at the request of the Secretary of the Interior of the United States, communicated through his excellency the Marquis of Pidal, as in the certificate of the said last named officer is truly set forth.

In testimony whereof I have hereunto set my hand, and affixed the seal of this legation this 5th day of March, 1850.

D. M. BARRINGER.

Translation of defendant's document No. 24.

Arms of the department of grace and justice.

I, Don Benito Gonzales de Tejada, secretary of her Majesty, con ejercicio, and keeper of the archives of the department of grace and justice, certify, that in the collection of documents from the archives of the Indies relating to the grants of lands made by his Majesty in the Floridas, to the Count of Punon Rostro, Duke of Alagon, and Don Pedro de Vargas, which collection is kept in the archives under my charge, is found the following communication from the Governor of the Floridas.

I have received and providod for the due execution of the royal cedula which you transmit me with a despatch of the fourth of August, last year, whereby his Majesty has deigned to declare the precise terms upon which the lands granted in this province to the most excellent Duke of Alagon, Count of Punon Rostro, and Don Pedro Vargas, must be made use of.

God preserve you many years.

St. Augustine, Florida, *February* 25, 1819.

JOSE COPPINGER."

To Don Silvestre Collar.

In testimony whereof, in virtue of an order passed in view of a communication from the most excellent minister of state, I give the present, which is a correct and true copy, conforming with the original. Sealed with the seal of this department, at Madrid, February 25, 1850.

[L. S.] BENITO GONZALES DE TEJADA.

I, Don Lorenzo Arrazola, knight grand cross of the royal and distinguished Spanish order of Charles III, and of the American order of Isabella the catholic, minister of grace and justice, grand notary of the kingdom, &c., &c., certify, that Don Benito Gonzales de Tejada, by whom the preceding document is authenticated, is, as he styles himself, keeper of the archives of the department of grace and justice, and that the signature at the close of the said authentication is his proper handwriting.

In testimony whereof I give these presents, at Madrid, this 28th day of February, 1850.

LORENZO ARRAZOLA.

I, Don Pedro Jose Pidal, marquis of Pidal, chief secretary of state, &c., &c., certify, that the foregoing signature of Don Lorenzo Arrazola, minister of grace and justice, and principal notary of the kingdom, is that which he is accustomed to use in all his official writings; and that the communication to which the keeper of the archives of the department of grace and justice refers, was made by this department at the request of the Secretary of the Interior of the United States.

In testimony whereof I sign the present, at Madrid, this first day of March, 1850.

[L. S.] PEDRO J. PIDAL.

Here follows the certificate [of] D. M. Barringer, minister, &c., &c.

I do hereby certify that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

Defendant's document No. 25.

Defendant also read in evidence the following document, being the edict of the King, of November 14th, 1804, marked No. 25:

El ex'mo sor. secretario de estado y del despacho, de gracia y justicia, me dice, con fecha de 14 de Noviembre del año anterior, lo siguiente:

Enterado el Rey de los inconvenientes que resultan de que se permita á varias ciudadanos de los Estados Unidos de America, ql. se establezcan en las Floridas, se ha servido S. M. resolver ql. en lo sucesivo no se les conceda dicho permiso. De su real orden lo participo á V. S. para que disponga lo necesario á su cumplimiento.

Lo que traslado á V. S. para el fin á que se contrahe por en parte. Dios guarde á V. S. muchos años. Habana, 9 de Julio de 1805.

EL MARQUES DE SOMERUELOS.

Sor. Gobernador de la Florida oriental.

I, Antonia Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office, at the city of St. Augustine, [SEAL.] State of Florida, this nineteenth day of January, A. D. one thousand eight hundred and forty-eight.

ANTONIO ALVAREZ, *K. P. A.*

Translation of defendant's document No. 25.

His excellency the Secretary of State, of despatch, and of grace and justice, tells me, under date of the 14th of November of the last year, the following:

The King being informed of the inconvenience which results from permitting many citizens of the United States of America to settle in the Floridas, his Majesty has been pleased to resolve that in future said permission be not granted to them. By his Majesty's order, I communicate the same to your excellency, that you do the needful for its fulfilment.

Which I transmit to your excellency for the object to which it relates.

God preserve your excellency many years. Havana, 9th of July, 1805.

The MARQUIS OF SOMERULEOS.

To his excellency the Governor of East Florida.

I certify that the foregoing is a correct translation of the annexed document written in the Spanish languarge.

St. Augustine, July 17, 1838.

JOHN M. FONTANE,
Translator and interpreter, S. C. and E. F.

The defendant also read in evidence the following document, marked and numbered as Defendant's document No. 26, being a communication from the Captain General of Cuba to the Governor of East Florida, under date of 14th of March, 1815:

Defendant's document No. 26.

Communication from Captain General of Cuba to Governor of East Florida.

Con fecha de 14 de Junio ultimo me dice el ex'mo sor., ministro de hacienda, lo que sigue:

"He dado cuenta al Rey de la carta de V. S., no 9, de 20 de Noviembre ultimo, en que du parte del que le dirijio el Gobernador de la Florida oriental, con motivo de haber dado á Dn. Juan Russell mil acres de tierra, por una goleta, que necesitava para el real servicio la qual con todos sus enceres fue avaluada en dos mil seiscientos pesos. Enterado de todo S. M. se ha servido aprovar por sola, esta vez dicha determinacion mediante la absoluta falta que habia de candales en aquella provincia, y me manda re-encargue á V. E., como lo executo el cumplimiento de lo prevenido en las reales ordenes de 14 de Noviembre de 1804, y 3 de Marzo de 1806, que prohiven la enagenacion de tierras realengas que se hacian á los estrangeros, y deben observarse riguosamente en lo sucesivo. Lo que de rl. orden participo á V. E. para su inteliga., y gobierno."

Y lo traslado á V. S. para los efectos correspondiente por su parte. Dios guarde á V. S. muchos años. Habana, 4 de Marzo de 1815.

APODACA.

Sr. Gov'r de la Florida oriental.

2716.

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

[SEAL. K. P. A.] Witness my hand and seal of office, at the city of St. Augustine, State of Florida, this nineteenth day of January, A. D. one thousand eight hundred and forty-eight.

ANTONIO ALVAREZ, *K. P. A.*

Translation of document No. 26.

Communication from Captain General of Cuba to the Governor of East Florida, dated 4th March, 1815.

Under date of the 14th of June last, the most excellent Chancellor of the Exchequer, tells me what follows:

I have reported to the King your excellency's letter, No. 9, dated 20th of November ulto., giving an account of the one addressed to you by the Governor of East Florida, stating, that he had transferred to Don Juan Russel two thousand acres of land, in exchange for a schooner, with all her tackle and apparel, valued at twenty-six hundred dollars, which was needed for the royal service.

His Majesty, upon being informed of every thing concerning the subject, has been pleased to approve, as a special act only, what you have done in consequence of the absolute need of funds in that province, and at the same time he commands me, as I hereby do, to call your excellency's attention to the provisions of the royal order of the 14th of November, 1804, and 31st of March, 1806, which prohibit the alienation of royal lands that was formerly made to foreigners, which you will strictly enforce in every instance hereafter.

All of which I communicate to your excellency, by royal command, for your information, that you may be governed accordingly.

God preserve your excellency many years. Havana, 4th March, 1815.

APODACA.

Governor of East Florida.

Here follows the certificate of the keeper of public archives in St. Augustine, Florida.

I certify, that the foregoing is a correct translation of the Spanish document hereto annexed.

JOHN M. FONTANE,
Translator.

And the defendant also offered, and read in evidence, the following

document, numbered and marked as Defendant's document, No. 27, being a letter from Richard S. Hackley to Lo. Arazola, of May, 1819.

Defendant's document No. 27.

Letter from Richard S. Hackley to Don Gregorio Azaola, dated May, 1819. (Original badly mutilated.)

Por el ultimo corres. he escrito á V. sobre * * * * os de la mayor importancia para dar V. * * * * res de los tres meses pasada, és minista * * * * cen que és preciso guadarlo para cuando en * * orres. Si V. lo aprobe mi encargo rodeado por mil dificultades, y poco menos de faltar de corres. la mayor parte del tiempo no se, sino á lo menos los asuntos nuestros se tiene una aspecta enuya mi gusto en el dia, y espera que en pocos dias tenemos los mas interesante en buen orden. En respeto del tratado mis informes y las de Va. son in sustancia lo mismo, y no hay duda que mis reclamaciones contra este Gov. son incluido. Esto toda en respeto de las tierras nunca he tenido cuidadane lo tengo en el dia li—a hoy mismo estan travajando con el D—e y el maldita cura, y debemos esperar una buen resulta como el y M—o ya he visto algunos de los pesos fs. la resulta de las ventas del Señor D—e. Va. se dice que yo no hayo caso de mis herederos amigos, esta és mi injusticia, y su coraz * V. no ha dado concentimiento á este idea * * obras debe estar justiciado, se dice con * * tro que V. he leido mas que yo. ahora he tenido una entrevista * * * * y suprimo; sobre las lebrarzas de V. * * y á mi ag * *

Mr. Forsyth debe estar aqui en * muchos años hace he conocido, este Señor un poco * * * como ambajador, y és un hombre muy respectable, he sido deputado en la camara di representales por muchos años, y ultimamente Senador del Estado de Georgia. V. debe hacer su instancia de V., muy pronto por su consulado, mas pronte mejor és. Como dice vos Españoles. "La tratado no és malo;" Sino á lo mismo tiempo lo doy yo mucho merito á Onis. Este cab'o, han sido buen motido *esters* ultimos años por los secrets. Monroe y Adams.

Todavia no he adoptado el modo por liquidar mis cuentas aqui. Este navedad si obligarse me avariar mi plan, y este comision no si liquider en tres cientos años, no obstante el amigo Moreno dice el contrario. Su. affo.

[Flourish.]

Como estar V. en respeto * * de fundos. Estoy padece * * * mas que V. puede su * * ni sabe adorillo buscar un peso * * dar me algun dinero como ante May, 1819.

Superscribed: Don Grego'o Gon'a Azaola, director de la real cump'a del rio Guadalquiver, en Sevilla.

Translation of document No. 27, being a letter addressed to Don Gregorio Gon'a Azaola.

Translation, No. 27—letter, Hackley to Azaola.

I wrote to you by the last mail upon * * of the greatest importance to give * * you * of the last three months * * it is needed * which is necessary * * to keep it, for when * * * * whether you will approve of my management, surrounded by a thousand difficulties, and almost destitute of the means of subsistence the greater part of the time. I do not, Señor. Nevertheless, our affairs have a good aspect, much to my liking at present, and hope that in a few days I will have the most interesting part of them entirely in a good train.

In respect to the treaty my information and yours are in substance the same, and there is no doubt that my claims against this government are included; that in respect to the lands, I never did, or now do, entertain any fears M———a, are this day working with the D———e, and the confounded curate, and we ought to expect a good result, as him and M———o, have begun in earnest to smell the value, and there is no doubt that M———o has already seen some of the hard dollars, the proceeds of the sales of the D———e. You say that I do not care for my true friends. This is an injustice, and your heart has not given consent to this idea; works ought to be my justification, A———, says that you have read more than me. I have had an interview * * and his cousin respecting your draft, * * lands in your name and my ag * * . Mr. Forsyth is to be here in d———, and have been somewhat acquainted with him for many years, as ambassador, and is a very respectable man. He has been a member of the House of Representatives many years, and lately a Sentor from the State of Georgia. You ought to put in your claim through his consulate; the sooner the better. A you Spaniards say, "the treaty is not a bad one," and at the same time I give Onis much credit. This gentleman has for the last year been well harrassed by Secretaries Monroe and Adams. I have not yet adopted the manner of liquidating my accounts here; for this reason, I am obliged to vary my plan; the commission will not end the affair in three hundred years, the opinion of our friend Moreno, to the contrary notwithstanding.

Yours,

How are you in resp * * to funds, I am suffer * * more than you can im * * neither do I know where to obtain one dollar. * * if you can * * to give * * some money, as * * May, 1819.

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

Defendant's document No. 28.

Being a letter from Richard S. Hackley to said Don Gregorio Azaola, under enclosure to Don Ramon Moreno, dated 16 Feb'y, 1823.

NEW YORK, 16 *Febrero*, 1823.

Queridesimo amigo y mui señor mio, tuvo el gusto de escrivirle sobre mediados de Junio del año pasado, pero no haviendo mandado duplicado, me timo que mi dicha carta no haya llegada á manos de Vmd.; pues segaramente haviero tenido el gusto de recivir una contestacion que tanta me importa no sea que Vmd. no se halla en Madrid quando llego mi ultima.

Por su estimada de 14 de Octubre de 1820, havia calculado con la mayor certiza y con razon, segun su contenido, recivir una liquidacion formal de mis cuentas y dependencias con el gobierno Español por algun tiempo del año siguiente de 1821, pero hasta la presente no he recivido nada, ni tampoca la satisfaccion de algunas noticias de V. M. D. desde aquella fecha.

Es asunto de la mayor importancia y sumamente interesante que recivo quanto antes esta liquidacion, y sin mas demora como tambien los documentos originales que se depositaron en la contaduria mayor de cuentas, y las copias de dichos documentos que se hallan en poder de mi apoderado Don Roman Moreno, comisario de guerra, sacando y mandandome un certificado del ministro ó encargado de negocios de parte de los Estados Unidos, que san las copias de los originales.

Suplico tenga Vmd. la bondad de enviarme las copias por la via que le paresca mas seguro, dirijiendo las originales al sr. Don Pedro La Salleta, de Cadiz, y instruendole al mismo tiempo les tenga formalmente atestado baxo juramento por los señores Dn. Jose de Acuna, Don Jose Balilo, y Don Francisco Fuentes, ó tales de ellos que esten en Cadiz, dependientes que fueron mios pendiente las entregas al Gobierno Español, y que actualmente hicieron las diligencias y por menores de dichas entregas.

Esperando con la mayor brevedad posible sus estimadas noticias, y al cumplimiento de lo encargado en esta carta, soy de Vmd. con la mayor estimacion, su apasenado amigo y mas *alleo* sig. *serv.* Q. S. M. B.

RICARDO S. HACKLEY.

Don Gregorio Gonzales Azaola, &c., &c., &c.

NUEVA YORK, 16 *Febrero de* 1823.

Mui señor y estimado amigo, al otro lado tiene Vmd. copia de mi carta á nuestro comun amigo, Don Greg. Gonzales Azaola, ó ausente para Vmd. Por su largo silencio timo que algo le hayga succedido, y confio en Vmd. cumplio con el contenido á la mayor brevedad posible, creyendome siempre de Vmd. con lo mayor estimacion.

Su afficio amigo y mas firvo y alto sr. Q. S. M. B.

(Signed) RICARDO S. HACKLEY.

Por sea caso este ausente, tenga Vmd. la bondad de mandar los documentos pedidos á los srs. Don Enrique Remsen y David Dunham, Nueva York, ó al General Don Roberto B. Taylor, Norfolk, Virginia.

HACKLEY.

Don Roman Moreno, &c., &c., &c.

No. 28.

Translation.

Letter—Hackley to Azaola, and also to Moreno.

NEW YORK, 16*th February*, 1843.

DEAREST FRIEND AND DEAR SIR: I had the pleasure of writing to you about the middle of June of last year, but not having sent a duplicate of my said letter, I fear it has not been received by you; otherwise, most assuredly I would have had the pleasure to receive an answer, which is of so much importance to me. It may be you were not in Madrid when my last letter arrived.

By your much esteemed letter of the 14th October, 1820, I had calculated with the greatest certainty, and with good reason, according to its contents, to receive a formal liquidation of my acccunts and affairs with the Spanish Government, some time during the following year of 1821; but up to the present time, I have received nothing, nor even the satisfaction of receiving any words from you since that date.

It is a matter of the greatest importance, and highly interesting, that I should receive as soon as possible, and without further delay, this liquidation, as also the original documents which were deposited in the principal accomptant's office, and the copies thereof which are in possession of my agent, Don Ramon Morino, commissary of war, annexing thereto the certificate of the minister or chargé des affaires of the United States, that they are copies from the original.

I beg that you will transmit the copies to me by the safest conveyance, and address the original to Señor Don Pedro Hasallets, of Cadiz, instructing him at the same time to have them duly attested under oath of the Messrs. Don José Arruma and Don José Bobilo, and Don Francisco de Flaintro, or such of them who may be in Cadiz, and who were my clerks, and actually attended to the proceedings of the delivery of said documents to the Spanish Government. Hoping to receive at the earliest possible time your esteemed favor, and the compliance of what I request in this letter:

I am with the greatest esteem your most devoted friend and attentive servant, Q. S. M. B., (who kisses your hand.)

RICARDO S. HACKLEY.

DON GREGORIO GONZALEZ AZAOLA, &c., &c.

(Annexed to the foregoing.)

NEW YORK, 16*th February*, 1823.

MY DEAR AND ESTEEMED FRIEND: Annexed to this you have a copy of my letter addressed to our mutual friend, Don Gregorio Gonzales Azaola, and in his absence to you; from his long silence I fear something may have happened to him; and trusting that you will comply with the request contained therein, at the earliest possible time, I am, with the greatest esteem, your devoted and attentive servant. Q. S. M. B. (Who kisses your hand.)

RICARDO S. HACKLEY.

If he should be absent, have the goodness to forward the documents asked for, to Messrs. Enrique Remson and David Dunham, at New York, or to General Don Roberto B. Taylor, Norfolk, Virginia.

HACKLEY.

DON RAMON MORENO, &c., &c.

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

The defendant then offered in evidence the 3d vol. of the journal of executive proceedings of the United States, and read passages therefrom, at pages 242, 243, and 244; which testimony, however, is omitted to be transcribed, as under the agreement aforesaid, between the parties conveying it, the book itself *brased* at the hearing of the Supreme Court, and comprehended it in the same agreement; read passages on pages between 614 and 641, of the 6th volume of Duane and Bioren's edition of the laws of the United States, showing the treaty of Spain, 1819, between the United States and Spain. Presidential message, and other documents were then read.

The defendant then read in evidence the following paper, being numbered and marked Defendant's document No. 30.

Being a deed from Henry Dudley to Richard S. Hackley of 12th September, 1836.

Defendant's document No. 30.

Henry Dudley to Richard S. Hackley.

This indenture, made the twelfth day of September, in the year of our Lord one thousand eight hundred and thirty-six, between Henry Dudley, of the city of New York, merchant, of the first part, and Richard S. Hackley, of the same city, of the second part, witnesseth: That the said party of the first part, for and in consideration of , lawful money of the United States of America, to him in hand paid

at or before the ensealing and delivery of these presents, by the said party of the second part, the receipt whereof is hereby acknowledged, and the said party of the first part therewith fully satisfied, contented, and paid, hath remised, released, and quit claimed, and by these presents doth remise, release, and quit claim, unto the said party of the second part, and to his heirs and assigns forever, all the right, title. interest, claim, and demand whatsoever, both in law and equity, of the said party of the first part of, in, and to the whole and every part and portion of that certain tract of land and premises in East Florida, granted by the King of Spain to the Duke of Alagon, and conveyed to Richard S. Hackley and company by deed dated the twenty-ninth day of May, one thousand eight hundred and nineteen, and being the same premises conveyed by Joseph M. White, attorney by substitution of Don Vicente Murillo y Monte, of Madrid, secretary of his Majesty, and officer of the department of State, &c., and Don Ramon Lorenzo Calvo, of the same place, escribano de camara in the supreme tribunal of war, by virtue of their power of attorney to Don Ramon Pinto y Lopez, dated twenty-ninth July, 1835, and a power of substitution from the said Don Ramon Pinto y Lopez to the said White, dated in April, 1836, and certified by the American consul at the Havana, ninth July, 1836, by his, the said White's, deed of quit claim to the said Henry Dudley, bearing date the twenty-seventh day of July, one thousand eight hundred and thirty-six, together with all and singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right, title, interest, dower, and right of dower, property, possession, claim, *claim*, and demand whatsoever, as well in law as in equity, of the said party of the first part of, in, or to the above released premises, and every part and parcel thereof, with the appurtenances. To have and to hold all and singular the premises above described and released, together with the appurtenances, unto the said party of the second part, his heirs and assigns forever.

In witness whereof the parties to these presents have hereunto interchangeably set their hands and seals the day and year first above written.

HENRY DUDLEY. [SEAL.]

Sealed and delivered in the presence of—
JOHN H. MAYHER,
WM. H. MAXWELL.

STATE OF NEW YORK, CITY AND COUNTY OF NEW YORK.

[L. S.] By this public instrument be it known, to all whom it may concern, that I, Wm. H. Maxwell, commissioner in and for the State of New York, duly commissioned by the Governor of the Territory of Florida, by virtue of an act of the legislature of the said Territory, entitled "an act to authorize the appointment of commission-

ers, &c.," passed January 24th, 1831, and therein and thereby authorized and empowered to take the acknowledgment of any deed, contract, letter of attorney, mortgage or conveyance of any lands, tenements, or hereditaments lying or being in the Territory of Florida, or any other writing under seal to be used in said Territory; with full power and authority to administer oaths and affirmations, take depositions, &c., do certify, that on the fourteenth day of September, one thousand eight hundred and thirty-six, before me, said commissioner, personally came Henry Dudley, to me known to be the grantor in the annexed deed named, and having made known to him the contents thereof, he acknowledged in due form of law he had signed, sealed, and delivered the same as his free act and deed for the uses and purposes therein mentioned.

In testimony whereof I have hereunto set my hand and seal the day and year above written.

WM. H. MAXWELL,
Florida commissioner.

TERRITORY OF FLORIDA,
St. John's county, city of St. Augustine, ss.

Be it known, that on the first day of November, A. D. 1836, I, the subscriber, clerk of the county court for the county aforesaid, at the request of Col. Charles Downing, have recorded the within instrument of writing.

Witness my name, the date aforesaid.

BERNARDO SEGUI, *Clerk, C. C.*

STATE OF FLORIDA,
County of St. John's, ss.

Circuit court, clerk's office.

I, Peter B. Dumas, clerk of the circuit court for St. John's county, in the State of Florida, do hereby certify, that the foregoing instrument of writing is a true and correct copy of the whole of a record of a deed, and the acknowledgment thereof, from Henry Dudley to Richard S. Hackley, taken from record book M, pages 252 and 253, in the office of the clerk of the circuit court of said county.

Witness my hand and seal of the circuit court of St. John's county, the 6th November, A. D. 1847.

P. B. DUMAS,
Clerk, C. C., of St. John's county.

James Strong to Richard S. Hackley.

This indenture, made the fourteenth day of September, in the year of our Lord one thousand eight hundred and thirty-six, between James Strong, of the city of New York, counsellor at law, of the first part, and Richard S. Hackley, of the same city, esq., of the second part, witnesseth: That the said party of the first part, for and in considera-

tion of the sum of ten thousand dollars, lawful money of the United States of America, to him in hand paid, at or before the ensealing and delivery of these presents, by the said party of the second part, the receipt whereof is hereby acknowledged, and the said party of the first part therewith fully satisfied, contented, and paid, hath remised, released, and quit claimed, and by these presents doth remise, release, and quit claim, unto the said party of the second part, and to his heirs and assigns forever, all the right, title, and interest of the party of the first part, being the one equal undivided moiety or half part of, in, and to a certain tract of land situate in East Florida, upon the gulf of Mexico, bounded and described as follows: Beginning at the river Hijuelos, ascending to the lake Macaco, and from the last following the river St. John's up to and in front of the sources of the river Romano; descending by this last to the left bank of Carlos bay and the line of the coast to the river Hijuelos, being the property heretofore conveyed to the party of the first part by Joseph M. White, of Florida, attorney in fact of Duke de Alagon, Baron de Espes, by virtue of a power of attorney from the Duke de Alagon to Don Ramon Pinto y Lopez, and of a letter of substitution from said Don Ramon Pinto y Lopez to the said Joseph M. White, by deed of release bearing date the 2d day of January, 1836, together with all and singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right, title, interest, dower, and right of dower, property, possession, claim, and demand whatsoever, as well in law as in equity, of the said party of the first part of, in, and to the above released premises, and every part and parcel thereof, with the appurtenances. To have and to hold all and singular the premises above described and released, together with the appurtenances, unto the said party of the second part, his heirs and assigns forever.

In witness whereof the parties to these presents have hereunto interchangeably set their hands and seals the day and year first above written.

JAMES STRONG. [SEAL.]

Sealed and delivered in the presence of—
WM. H. MAXWELL, *Counsellor.*

STATE OF NEW YORK, CITY AND COUNTY OF NEW YORK,

[L. S.] By this public instrument be it known, to all whom it may concern, that I, Wm. H. Maxwell, commissioner in and for the State of New York, duly commissioned by the Governor of the Territory of Florida, by virtue of an act of the legislature of said Territory entitled "an act to authorize the appointment of commissioners," and passed January 24th, 1831, and therein and thereby authorized and empowered to take the acknowledgment of any deed, contract, letter of attorney, mortgage, or conveyance of any lands, tenements, or hereditaments lying or being in the Territory of Florida, or any other

writing under seal to be used in said Territory, with full power and authority to administer oaths and affirmations, take depositions, &c., do hereby certify, that on the 14th September, one thousand eight hundred and thirty-six, before me, said commissioner, personally came James Strong, the grantor in the annexed deed, and having made known to him the contents of the same, he acknowledged he had signed, sealed, and delivered, and executed the same as his free act and deed for the purposes therein mentioned.

In testimony whereof I have hereunto set my hand and seal the day and year above written.

WM. H. MAXWELL, [SEAL.]
Florida commissioner.

TERRITORY OF FLORIDA,
St. John's county, city of St. Augustine.

On the first day of November, A. D. 1836, I, the subscriber, clerk of the county court for the county aforesaid, have at the request of Col. Chas. Downing recorded the within deed of conveyance. Witness my name the date above written.

BERNARDO SEGUI,
Clerk, C. C.

STATE OF FLORIDA, *county of St. John's, ss.*

Circuit court, clerk's office.

I, Peter B. Dumas, clerk of the circuit court for St. John's county, in the State of Florida, do hereby certify, that the foregoing instrument of writing is a true and correct copy of the whole of a record of a deed, and the acknowledgment thereof, from James Strong to Richard S. Hackley, taken from record book M, pages 254 and 255, in the office of the clerk of the circuit court of said county.

Witness my hand and the seal of the circuit court of St. John's county, the 6th November, A. D. 1847.

P. B. DUMAS,
Clerk, C. C., of St. John's county.

Richard S. Hackley to Joseph D. Beers and others, trustees, &c.

This indenture, made the fourteenth day of September, in the year of our Lord one thousand eight hundred and thirty-six, between Richard S. Hackley, of the city of New York, gentleman, of the first part, and Joseph D. Beers and David Clarkson, of the city of New York, and Lot Clark, of the Territory of Florida, of the second part. Whereas Richard S. Hackley, the party of the first part, and company, did, by deed duly executed in the city of Madrid, in the kingdom of Spain, before the private notary of the King, and public notary of the kingdom, and the proper witnesses, acquire title to certain lands therein described, bearing date the twenty-ninth day of May, one thousand

eight hundred and nineteen, granted by the King of Spain to the most excellent Francis Roman de Espes, Fernandez de Cordova y Alagon, Duke of Alagon, &c., &c., being so much of that portion of the land contained in the royal grant of the seventeenth of December, one thousand eight hundred and seventeen, as was conveyed to Richard S. Hackley and company, as is contained in the following boundaries, to wit: Beginning at the mouth of the river Amasuera or Amaxura, where it enters the gulf of Mexico, in the former Spanish province of East Florida, and what is now a part of the organized territory of the United States of America, running along the right bank of said river to its head, spring, or main fountain source; thence by a right line to the nearest point of the river St. John's, and running up to lake Macao; from thence to the head of the Hijuelos river, and descending said river to its mouth in the gulf of Mexico, on the coast of the gulf of Mexico; and from thence along said coast, including all the islands, up to the beginning—containing by estimation eight millions of acres, more or less, excluding therefrom any prior confirmed Spanish grants which were reserved in the royal grant of the King of Spain to the Duke of Alagon, and the sales made by the said Richard S. Hackley, contained in the list presented to the parties of the second part. And whereas the assignees of said company have assigned, released, and transferred their respective parts and interests to the said Richard S. Hackley, whereby he has become the sole owner of the same, with power to sell and convey the above described premises, containing as aforesaid eight millions of acres, more or less. And whereas it is deemed expedient, by the parties of the first and second parts, to enter into certain articles of association, constituting a company, to be designated and known as the "Florida Peninsula Land Company," of which the parties of the second part, by the agreements and covenants therein contained, bearing even date with this indenture, are constituted and appointed trustees, for the objects, uses, and trusts therein contained, and upon the conditions and stipulations therein contained. Now, this indenture witnesseth, that the party of the first part, for the purpose of disposing of the said eight millions of acres, more or less, in the manner indicated as aforesaid, and for and in consideration of the premises, and of the various objects stipulated and agreed upon, the said writing bearing even date herewith, and herein before referred to, and of the sum of ten dollars, lawful money of the United States of America, to him in hand paid by the parties of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged; hath and by thes[e presents] doth grant, bargain, sell, alien, release, enfeof, convey, and confirm, unto the parties of the second part, trustees aforesaid, the survivors and survivor of them, their successors and assigns forever, all the said tract of land herein before mentioned and described, containing by estimation eight millions of acres of land, more or less, with the exceptions and reservations herein before expressed, with the appurtenances; and also all the right, title, interest, claim, and demand of the party of the first part of,

in, and to the same, and every part and parcel thereof, with the appurtenances; and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

To have and to hold the same unto the parties of the second part, the survivors and survivor of them, their successors and assigns forever, for the uses and upon the trusts mentioned and contained in the said articles of association herein and before referred to, and upon no other use or trust whatsoever. And the said party of the first part, for himself, his heirs, executors, and administrators, hereby covenants, to and with the said parties of the second part, their successors and, assigns, that he hath not heretofore made, done, or suffered any act or thing whereby the title to said land and premises can in any wise be impeached, impaired, or encumbered.

In witness whereof the party of the first part hath hereunto set his hand and seal at the city of New York, the day and year first above written.

RICH'D S. HACKLEY. [SEAL.]

Sealed and delivered in duplicate in presence of—
HENRY LEWITH,
WH. H. MAXWELL.

[L. S.] STATE OF NEW YORK,
City and county of New York.

By this public instrument be it known, to all whom it may concern, that I, William H. Maxwell, commissioner in and for the State of New York, duly commissioned by the Governor of the Territory of Florida, (by virtue of an act of the legislature of the said Territory, entitled "An act to authorize the appointment of commissioners, &c., passed Jauuary 24th, 1831, and therein and thereby authorized and empowered to take the acknowledgments of any deeds, contract, letter of attorney, mortgage, or conveyance of any lands, tenements, or hereditaments lying or being in the Territory of Florida, or any other writing under seal, to be used in said Territory, with full power and authority to administer oaths and affirmations, take depositions," &c., do hereby certify, that on the fourteenth day of September, one thousand eight hundred and thirty-six, before me, said commissioner, personally came Richard S. Hackley, known to me to be the grantor in the annexed deed named, and having made known to him the contents thereof, he duly acknowledged he had signed, sealed, and delivered the same as his free act and deed, for the uses and purposes therein mentioned.

In testimony whereof I have hereunto set my hand and seal the day and year above written.

WM. H. MAXWELL,
Florida commissioner.

TERRITORY OF FLORIDA,
St. John's county.

This is to certify, that on the second day of November, A. D. 1836, I, the subscriber, clerk of the county court for the county aforesaid, have at the request of Colonel Charles Downing, recorded the within instrument in writing. Witness my name the date above written.

BERNARDO SEGUI,
Clerk, C. C.

STATE OF FLORIDA,
County of St. John's, ss.

Circuit court, clerk's office.

I, Peter B. Dumas, clerk of the circuit court of St. John's county, in the State of Florida, do hereby certify, that the foregoing instrument of writing is a true and correct copy of the whole of a record of a deed, and the acknowledgment thereof, from Richard S. Hackley to Joseph E. Bears and others, trustees, &c., taken from record book M, pages 255, 256, and 257, in the office of the clerk of the circuit court of said county.

Witness my hand and the seal of the circuit court of St. John's county, the 6th November, A. D. 1847.

P. B. DUMAS,
Clerk, C. C., of St. John's county.

Richard S. Hackley to Joseph B. Beers, David Clarkson, and Lot Clark.

Whereas Richard D. Clarkson, of the city of New York, by his indenture bearing even date herewith, has granted, bargained, and sold unto Joseph D. Beers and David Clarkson, of the said city of New York, and Lot Clark, of the city of St. Augustine, in the Territory of Florida, trustees for the uses and purposes hereinafter contained and set forth, all that certain tract or parcel of land situate in the Territory of Florida aforesaid, being so much of that portion of the land contained in the royal grant of the seventeenth of December, one thousand eight hundred and seventeen, and was conveyed to Richard S. Hackley and Company, and is contained in the following boundaries, to wit: Beginning at the mouth of the river Aminend or Amaxura, where it enters the Gulf of Mexico, in the former Spanish province of East Florida, and what is now a part of the original territory of the United States of America, running along the right bank of said river to its head spring or main fountain source; thence by a right line to the nearest point of the river St. John's, and running up to lake Macao or Macaco; from thence to the head of the Higuelos river, and descending said river to its mouth in the Gulf of Mexico, on the coast of the Gulf of Mexico; and from thence along said coast, including all the islands, up to the beginning, containing, by estimation, eight millions of acres, more or less; excluding therefrom any prior confirmed Spanish

grants, which were reserved in the royal grant of the King of Spain to the Duke of Alagon, and the sales made by the said Richard S. Hackley, contained in the list presented to the said parties of the second part of the indenture aforesaid: And whereas it is intended by the said Richard S. Hackley and said trustees and others, their associates, to form a joint stock company, to be composed of the said Hackley and said trustees and others, their associates, to be called the Florida Peninsula Land Company:

Now, this indenture and article of agreement and association, made this fourteenth day of September, in the year of our Lord one thousand eight hundred and thirty-six, by and between the several persons whose names are hereto annexed, subscribed, and seals annexed, witness:

Article 1st. That the name and style of this association shall be the "Florida Peninsula Land Company," and its object shall be to manage and dispose of the foregoing tract or parcel of land.

Article 2d. All persons who shall subscribe for one or more of the capital stock of said association by signing and sealing this indenture, in person or by attorney, lawfully consituted under the rules and regulations to be subscribed by the trustees aforesaid, and by paying the sums in the manner hereafter prescribed, and all persons who shall become the holder or holders of any such share or shares by transfer in the manner hereafter provided, shall be members of this association.

Article 3d. The capital stock of this association shall consist of sixteen hundred shares in the tract of land, each share consisting of five thousand acres; and all the covenants and engagements herein contained shall become obligations on the parties to be bound thereby according to the terms and intent, when the full number of fifty shares shall have been subscribed.

Article 4th. The capital, property, and affairs of this association shall be managed by the trustees aforesaid and their successors in office, each of whom shall remain in such trust until the object of this association shall be finally closed, unless he shall resign, or be removed by the members of this association as hereinafter provided, or by competent judicial authority.

Article 5th. No trustee shall resign except by instrument in writing, and under his seal executing such conveyance to his co-trustees as may be necessary for that purpose, subject to all his legal liabilities to account for his conduct as such trustee; and in every case where his office shall become vacant, he shall execute such conveyances.

Article 6th. Whenever any vacancy shall happen among such trustees, such vacancy shall be filled up by such person as the remainder of the trustees, by instrument under their hands and seal, appoint from among the members of the association.

Article 7th. The said trustees and their successors in office shall have full and ample power and authority to sell and convey any parts or portion of said tract of land and premises; to receive payment in money or otherwise; to commence, prosecute, or compromise any suit or suits for injury done to said property; to receive and take charge of

all moneys which shall be paid on account of the sale of any of said land or premises, or in any matter growing or accruing out of the same, or for any certificates of stock to be issued, or in any other way in which the association may be entitled to pay from time to time out of the funds of the association; the compensation of the persons employed by them, and other expenses; to prosecute and defend all manner of suits in which the title of said land or any part thereof may be drawn in question; to make any compromise with any person or persons, or with any government claiming title to or any interest in said land or any part thereof; execute all agreements, covenants, or obligations; take, purchase, and hold in trust as aforesaid all stock, choses in action, lands, tenements, and hereditament; and finally to do all other acts and things which are individually owing the said land and premises in fee, might or would do, and which they shall deem necessary and proper to promote the interest of said association.

Article 8th. The trustees shall have the power to assess and call from the scrip or shareholders such sum or sums as they may deem for the interest of the association, rateably for improvement and expenses on three months' notice, to be published during the said three months in one or more of the principal newspapers in the cities of New York and Washington, and in the district of East Florida; and in case of neglect on the part of any stockholder to pay pursuant to such call, he shall thereby forfeit to the association such shares as are in default; but the trustees may, in their discretion, at any time within a year thereafter, release such forfeiture on payment of such call and interest, provided that the whole amount which the trustees shall have power to assess and call as aforesaid shall not exceed one-half cent on on acre, or twenty-five dollars on each share.

Article 9th. It shall be the duty of the trustees, as soon as they shall deem it necessary, to procure a full and perfect survey of the said land and premises, and to cause plats, maps, and diagrams to be made of the same; and should they deem it expedient and proper, they may raise, by mortgage on the said property, any sum for the improvement of the same not exceeding two hundred thousand dollars, which said sum so raised shall be paid out of the first moneys received by them on sales.

Article 10th. It shall be the duty of the trustees, as soon as may be after the association shall be formed, to open subscription to these articles, and issue scrip to the subscribers for so much as they can procure to be subscribed, not exceeding four hundred shares; and shall require from each subscriber for the said four hundred shares, or less number, as the case may be, one hundred and eighty dollars and fifty cents on each share, one hundred and fifty dollars of which shall be paid to the said Richard S. Hackley on demand, towards his consideration money for the land and premises aforesaid; and the remainder, thirty-seven dollars and fifty cents on each share, shall be kept by the trustees on deposit for the purpose of defraying the incidental expenses of the said operation; and on the payment of the subscribers as aforesaid, the said

trustees shall issue to each respectively a scrip for each share so subscribed, in the form and to the effect following, to wit: Florida Peninsula Land Company. N. This certifies that is proprietor of shares, each share being equal to five thousand acres over and above the land covered with water, or one sixteen-hundredth part of eight millions two hundred thousand acres of the capital stock and beneficial interest of the Florida Peninsula Land Company, created in pursuance of an indenture and articles of association and agreement entered into for the formation of said company by the members thereof, and dated the fourteenth day of September, 1836.

The sum of dollars has been paid hereon, subject to calls of dollars more to be paid by the trustees in six, twelve, and eighteen months after the full adjudication of the title in the Supreme Court of the United States, and to be made in one-third each, with interest, after six months after the date of notice of the adjudication, at the rate of six per cent. per annum, subject to all the provisions, covenants, and charges in the said articles mentioned, (reference being thereunto had will more fully appear;) which share shall be transferable by deed endorsed herein, and by delivery to the trustees of the company with the certificate, and by the assignees signing and sealing the said articles in person or by attorney duly authorized.

By order of the trustees.

President.

Secretary.

And before the said trustees shall pay to the said Hackley any of the moneys aforesaid, they shall cause examination to be made of the public records in the Territory of Florida, and in the eastern district thereof, to ascertain whether the said Hackley has by himself or agent conveyed, or in any manner encumbered, the said lands and premises otherwise than as is named and mentioned in the schedule annexed to these articles of association; and if they shall find on examination any such conveyance or encumbrance as will in their opinion materially change the value of the land and premises conveyed as aforesaid, they shall be at liberty to return the moneys so received to the subscribers, after deducting therefrom the incidental, and reconveying the said land and premises to the said Richard S. Hackley, and others who have released their claims to any portion of said land and premises for the purpose of enabling the said Richard S. Hackley to make valid conveyances to the said trustees, so as to restore to the respective parties the rights and interests which they held previous to each release.

Article 11th. To satisfy the said Hackley for the rest and residue of the consideration aforesaid, the trustees shall convey to him, or to such person as he shall direct, or to his assignee, certificates for twelve hundred shares of said stock in scrip, in effect and form following:

Florida Peninsula Land Company.

N. This certifies that a proprietor of shares (each

share being equal to five thousand acres over and above the land covered with water, or one sixteen-hundredth part of eight millions two hundred thousand acres) of the capital stock and beneficial interest in the Florida Peninsula Land Company, created in pursuance of an indenture and articles of association and agreement entered into for the formation of said company by the members thereof, and dated the fourteenth day of September, 1836, the sum of fifteen hundred dollars having been paid to the full amount of each share in full satisfaction thereof, and subject to all the provisions, covenants and charges in the said articles contained, as will appear, reference being thereunto had, transferable by deed endorsed herein, and by delivering to the trustees of the company and the assignee or assignees signing and sealing the said articles.

By order of the trustees.

President.

Secretary.

And the said trustees shall find on survey and admeasurement of the said land that the whole tract shall contain more than eight millions two hundred thousand acres over and above former grants made by the Spanish authorities, and sales and conveyances by the said Hackley and his agents. They shall issue certificates for an additional number of like shares (so far as said surplus shall extend) to the said Richard S. Hackley, Henry Dudley, and Nicholas W. Stuyvesant, in the following proportions, to wit, three-fourths to said Hackley and one-fourth to the said Dudley and Stuyvesant, or to his or their assigns, it being understood that all persons to whom certificates shall be issued as provided for in this article shall sign these articles of association the same as other stockholders or subscribers before receiving certificates.

Article 12th. It shall be the duty of the trustees, as soon as may be practicable, to cause an adjudication in the Supreme Court of the United States of the title of the land and premises, as derived from the Duke of Alagon; and no subsequent call shall be made on the said four hundred shares of stock until the title to said lands and premises derived as aforesaid shall have been settled in said court in favor of this association. But immediately after such adjudication and settlement of titles, the trustees shall give public notice in two of the principal newspapers printed in the city of Washington, and one in the city of New York, and one in the district of East Florida, for the said scripholders to pay thirteen hundred and fifty dollars to the said trustees on each of the said shares, in three equal instalments, at six, twelve, and eighteen months from the date of said notice, with interest on the two last instalments at six per centum, after six months from the date of said notice; and if any of the stockholders shall fail to make payment on the said scrip pursuant to the said notice, the same, with all previous payments, shall be forfeited for the benefit of the said Richard S. Hackley.

Article 13th. The trustees aforesaid may employ and keep a secre-

tary, and such agents, surveyors, and assistants as they may deem needful, and remove and replace them at pleasure. All conveyances and contracts shall be executed by a president, to be chosen in the manner hereinafter prescribed, or by managers appointed and authorized by said trustees, or a majority of them.

Article 14th. It shall be the duty of the said trustees to appoint one of their members president, and the president so appointed, and one of the said trustees, shall form a quorum to transact business; but no appropriation shall be made for any improvement without the consent of all the trustees.

Article 15th. The trustees shall only be responsible for wilful default; and no one acting in good faith shall be responsible for any omission or fault of a co-trustee. They shall be allowed no compensation by the association for their services in the premises for disbursements, but after three years shall be allowed a reasonable compensation for their services, to be paid out of the moneys belonging to the association, to be allowed by auditors to be appointed in the manner hereafter prescribed.

Article 16th. The trustees, and their successors in office, shall hold the said tract of land and premises as joint tenants, and not as tenants in common; and, [in] case of the death of one or more of the said trustees, the estate in trust as aforesaid, and for the uses and purposes, shall to the survivor or survivors of them, and other trustees shall be appointed, in manner aforesaid, who shall succeed to the same, and be subject to the articles of association.

Article 17th. In all conveyances or contracts to be made by the said company the trustees, after being individually named, shall be described as the Trustees of the Florida Peninsula Land Company.

Article 18th. The capital stock of this association, and the beneficial interest of the several stockholders thereof, shall be, and are hereby, declared and agreed to be personal property; under the death of any shareholder his share and interest shall go to his personal representatives, and not to his heirs-at-law; and such heirs-at-law shall at no time claim any interest, legal or equitable, therein.

Article 19th. Shares in the capital stock of the association may be transferred from time to time by the holder thereof, or his personal representative, by endorsement under his hand and seal, provided said transfer be notified to the trustees; and provided, also, that the assignee to whom such share or shares shall be transferred shall in person, or by his lawful attorney, affix his own name and seal to the indenture, and become a party thereto. The form of such endorsement shall be as follows: "For and in consideration of ———— I hereby assign and transfer to ————, and to his executors, administrators, and assigns, all my right, title, and interest in the within share of the capital stock and beneficial interest of the Florida Peninsula Land Company, subject to the provisions, covenants, and charges contained in the indenture constituting said company, or authorized thereby." After the assignee shall have subscribed, as aforesaid, the transfer shall be regis-

tered in the book kept by the trustees; under the registering of such transfer, the former certificate shall be delivered up, and a new one shall be issued in similar form, except that every such certificate shall designate the name of the original proprietor of the share or shares transferred, and from the time when such transfer shall have been duly registered, the shareholder making the same shall be released from all liability as a member of this association in respect to the shares so transferred.

Article 20th. One copy of these articles of association, signed by the trustees and the said Richard S. Hackley, shall be recorded in the office of the county clerk, in the city of St. Augustine; and one copy shall be signed by the parties, and all the future proprietors as they shall become stockholders, and shall be kept by the president or the secretary, (to be appointed,) to be kept in some safe and secure place.

Article 21st. The trustees shall keep, or cause to be kept, regular books of accounts, in which there shall be an entry of all their sales and doings, which shall be open to the inspection of stock holders at all convenient times.

Article 22d. The trustees shall notify, in a proper manner, a meeting of the stockholders in the city of New York in three years from the date of these articles of association, and at all times, on the application of one third in amount of the stockholders; at which meeting all the stockholders may vote in person or by proxy, the president presiding. Each stockholder may give as many votes as he has shares; but no stockholder shall vote directly or indirectly on more than one hundred shares. Said meeting, when so convened, shall have power to appoint three auditors, (who shall hold their offices during the pleasure of the stockholders,) to remove any trustee or trustees, and to appoint others in their places.

Article 23d. It shall be the duty of the trustees to make dividends once in six months of all the money received for lands ratably among the stockholders, payable at some bank or moneyed institution, after deducting current expenses, and to keep all money deposited in the name of the trustees in some bank or moneyed institution, and not to draw the same except by order of the board.

Article 24th. Whereas it is provided, in and by the said deed of the said Richard S. Hackley to the said trustees, that certain tracts of land should be excluded which had been previously sold by the said Richard S. Hackley, to be contained in a list to be presented by the said Richard S. Hackley to the trustees; and whereas the list so referred to has been presented by the said Richard S. Hackley, and is in the words and figures following, to wit:

Lands in Florida sold or alienated by Richard S. Hackley.

Jan'ry,	1822.	Carter Beverly on the river Amasuera, acres	8,000
" 23,	"	James W. Glass, St. John's - - -	50,000
Nov'r 24,	1831.	Thos. Randolph, jun'r, Amasuera -	9,000
" "	"	William Randolph, jun'r - - -	3,000

Nov..	24, 1831.	William T. Randolph - - - acres	5,000
"	" "	Thos. B. Randolph - - - - -	6,000
"	" "	Wm. Beverly Randolph - - -	5,000
"	" "	Thomas Mason Randolph, Tuckahoe -	6,000
"	" "	James Carmichael - - - - -	8,000
"	" "	Wilson J. Cary - - - - - -	9,000
April	3, 1822.	Thomas Richardson - - - - -	2,000
June	30, 1821.	Edmund Taylor - - - - - -	20,924
May	6, 1822.	Robt. B. Taylor - - - - - -	10,000
March	24, 1824.	Merit M. Robinson, Tuckahoe - -	10,000
"	25, "	Robt. T. Dandridge, Ocklawaha - -	6,400
"	" "	Lavina W. Dandridge, " - -	6,400
"	" "	James Rawling, trustee for Lucina A. Williams - - - - - - - -	6,400
"	" "	Juliana E. Dandridge - - - -	6,400
Dec.	14, 1822.	Anthony Dey, Ocklawaha - - -	50,000
"	24, "	Sam'l A. Lawrence - - - - -	92,160
Jan'ry	22, 1823.	Edward Delavan - - - - - -	23,040
March	1824.	Josiah Cowper, Amasuera - - -	959
"	"	William Gelliat - - - - - -	1,541
March	1824.	*Slop*, for McDowall, Ocklawaha - -	10,000
Oct.	12, 1823.	Mathias Wood, for H. of A'y Dey -	650
July	23, "	John Cameron, for Ths. Strade - -	1,000
"	7, "	George McNeil and Wm. Kirkland -	2,500
"	" "	George McNeil - - - - - -	5,000
Feb.	19, 1827.	Hon. Robt. Granger, quantity not known, but believed to be - - - - -	1,200
June	21, 1829.	Richard Reynal Keene, Tabelahe Creek	10,500
Dec.	23, 1825.	James Cameron, trustee for Sarah Jenks	500
"	16, "	Jordan Howell, for John Howell - -	1,000
		Home, Amasuera - - - - -	2,500
April	1, 1826.	Hon. John A. Cameron, in trust for N. S. Strade - - - - - - - -	1,000
Nov'r	2,	Robert S. Hackley, 2 parcels - -	40,600
		Frances S. Taylor, Ocklawaha - -	50,000
Feb.	27, 1827.	Robert S. Goodwin in trust for Margaret Jane Moffat, 3 tracts, 1,500, 1000, 1000	3,500
May	3, 1826.	Charles Loomis, Amasuera - - -	500
Sept.	2,	John Clarke - - - - - -	500
"	"	George McNeil . - - - - -	2,000
"	"	John McRae - - - - - -	2,000
Dec.	14, 1827.	Noah Seawell, 5,000 and 10,000 -	15,000
Sept.	2, 1829.	Benjamin Sprague - - - - -	500
		Contract with John Taylor - - -	50,000
		Do. with Governor Montford Stokes,	9,000
July	24, 1829.	Francis B. Rhodes, Amasuera - -	500
		Wm. R. Hackley, Teresia island near the mouth of the Menatte, Tampa Bay, estimated - - - - - -	1,500

Oct. 24,	Bright Roberts, Big Swamp, - -	3,750
To various persons 26 shares out of the 50 in the Florida land company, containing each 1,792, including the island of Synebal river, and indicated in the map quantity here, including the island of Synabal, - - - - - -		46,592

Sales in Tampa bay and north of it:

Mr. Simmons, junr., of 5th June, 1836, - - - - -	200
Levi Collar, do. of 5th August 1836, - - - - -	50
P. A. Steel's letter of 3d June, - - - - -	1,000
A. Steel, esq., near Tampa bay village, - - - - -	25
Capt. Sanders, mouth of Hillsborough river, - - - -	50
Capt. Sanders, a small island in front of Tampa bay village,	100
Capt. Sanders, one lot and buildings in Tampa village, -	——
Henry Ogden, trustee for Mrs. Hogden on the Manala river,	1,000
William Bunce at the mouth of the river Manatee, west side,	160
Randolph, jr., 10 miles from the mouth of the river Manala,	500
Samuel Stansbury, one of the Mulletts keys and Egmont key Cotterell from Manatee, - - - - - - - -	400
Capt. Wm. Graham, U. S. Army on the Alifia river, -	200
John Warren, mouth of the Alifia river, - - -	200
Gad. Humphrey, do. do. do. - - - - -	500
Ezekiel Stafford, do. do. do. - - - - -	150
Gad. Humphreys, Manatee, - - - - - - -	500
Joshua Stafford, do. - - - - - - -	400
William Ellis, near Tampa village, - - - - -	100

The above seven tracts are Col. Humphreys; engagements, as yet I have no reason to believe that they have been conveyed or paid for.

Now this article witnesseth, that it is hereby agreed, by and between the said Richard S. Hackley and the said trustees, that such portion of said list of lands so sold as aforesaid, only as shall have been duly conveyed by the said Hackley, shall be excepted and excluded from the said deed, and that the title to the rest and residue contained in said [deed] shall be vested in the said trustees, and their successors in office and assigns. And the said Richard S. Hackley, for himself, his executors and administrators, does hereby grant, bargain, and sell, to the said Joseph D. Beers, David Clarkson, and Lot Clarke, trustees as aforesaid, their successors in office, and assigns, each and every of the said tracts or parcels of land named in the list aforesaid, to be sold by them for the uses and purposes aforesaid, as part and parcel of the capital stock of said association, and as part and parcel of the said eight millions two hundred thousand acres. It being, however, understood and agreed that all subscribing and legally binding contracts for the sale of any lands contained in the said list, made by the said Hackley or his attorney, thereunto lawfully authorized, shall be recognised and fulfilled by the said trustees, with the purchasers, on their making due payment of the purchase money to the said trustees. And all conveyances to be taken by the trustees for land purchased or otherwise acquired by

them, in their boundaries described in the said deed of trust by any person or persons claiming title in and to the same, (which conveyances the said trustees are hereby authorized to take) shall become part and parcel of the said trust property, and shall be subject to the same rates and regulations as other parts of the said tract. And the several persons subscribing this indenture as original members of the association, or as the assignees of any share therein, do hereby, and each for himself, his heirs, executors, and administrators, does, express his assent to all the provisions, covenants, and grants contained in this article.

Article 25th. The association shall continue until all the arrears of the company shall be closed, and the trustees for the time being shall proceed to take measures for closing the concerns of the association, and shall complete and close the same as fast as can be done consistently with the interest of the company; and to that end shall cause all their property, securities and effects, to be converted into money, and paid over in dividends to the stockholders.

Article 26th. The several persons subscribing this indenture do hereby grant and convey to the trustees above name, and to all future trustees of this association, for full power and authority to do all the matters and things herein before expressed and provided for, and each person subscribing this indenture as an original member of this association, or as the assignee of any share therein, does hereby express his assent to all the said provisions, and does also for himself, his heirs, executors, and administrators, covenant, promise, and agree, to and with every other person who shall subscribe this indenture, and to and with the executors, administrators, and assigns of every such other person, that he, the said covenantor, his heirs, executors, and administrators, will well and truly perform, fulfil, and keep, so far as in them lies, all and singular the provisions herein before contained, and he and they will do all and every act and thing that may be necessary, and that may lawfully be done to give full effect to the object and interest of this association.

In witness whereof the original parties to these presents have hereunto interchangeably set their hands and seals, this fourteenth day of September, one thousand eight hundred and thirty-six. And the other parties to these presents becoming members of the association, by the transfer of shares therein, have severally set their hands and seals thereto at the time affixed their to respective names.

RICHARD S. HACKLEY, [SEAL.]
J. D. BEERS, [SEAL.]
DAVID CLARKSON, [SEAL.]
LOT CLARK. [SEAL.]

The words "Florida," between the 31st and 32d lines in the 10th article; "to be appointed in manner," between the 8th and 9th lines of the 15th article; "not," between the 2d and 3d lines in the 16th article; "by the association," between the 4th and 5th lines in the 15th article, interlined before signing.

Sealed and delivered in presence of—
J. L. BURRITT,
L. C. CLARK.

STATE OF NEW YORK,
City and county of New York.

By this public instrument be it known, to all whom it may concern, that I, William H. Maxwell, commissioner in and for the [SEAL.] State of New York, and resident in the city of New York, duly commissioned by the Governor of the Territory of Florida, and authorized by law to take the acknowledgment of deeds, letters of attorney, mortgages, contracts, or other writings under seal, with full power and authority to administer oaths and affirmations, and to take depositions, &c., do hereby certify, that on the twentieth day of September, A. D. 1836, before me, said commissioner, personally appeared Richard S. Hackley, Joseph D. Beers, David Clarkson, and Lot Clark, all well known to me to be the parties described in the annexed articles of agreement; and they severally, in due form of law, acknowledged they had signed, sealed, and delivered said agreement, as their several free act and deed, for the uses and purposes therein mentioned.

In testimony whereof I have hereunto set my hand and seal, the day and year above written.

WM. H. MAXWELL,
Florida commissioner.

TERRITORY OF FLORIDA,
County of St. John's, city of St. Augustine, ss.

Be it known, that on the fourth day of November, A. D. 1836, I, the subscriber, clerk of the county court for the county aforesaid, have at the request of Colonel Charles Downing, recorded the within instrument of writing.

Witness my name, the date above written.

BENARDO SEGUI, *Clerk, C. C.*

STATE OF FLORIDA, *County of St. John's, ss.*

Circuit court, clerk's office.

I, Peter B. Dumas, clerk of the circuit court of St. John's county, in the State of Florida, do hereby certify, that the foregoing instrument of writing is a true and correct copy of the whole of a record of deed of articles of agreement between Richard S. Hackley, Joseph D. Beers, David Clarkson, and Lot Clark, taken from record book M, pages 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, and 269, in the office of the clerk of the circuit court in said county.

Witness my hand and the seal of the circuit court of St. John's county, the 9th day of November, A. D. 1847.

P. B. DUMAS,
Clerk, C. C., of St. John's county.

Defendant's document No. 31.

And the defendant also offered in evidence and read the following document, being a conveyance from the Duke of Alagon to Roman Lorenzo Calvo and Don Vicente Murillo, dated 7th January, 1821.

Don Severn Teackle Wallis, ajente comisionado y representante en esta corte del ex'mo sr. S'rio del Ynterior del Govierno de los Estados Unidos de America, ante V. S., digo: Que se dice, que el Rey de España, Don Fernando septimo, que esta en gloria, usando de las prerogativas y senorio que como Rey absoluta le competion, tubo á bien por su real cedula, fecha 6 de Febrero del año pasado de 1818, condescendiendo con la solicitud que he havia dirijido el ex'mo señor Don Francisco Ramon de Spes, Fernandez de Cordova y Alagon, y otros titulos, hacer cesion y donacion, en todo dominio y propriedad, en favor de dicho sr. Duque, y de sus hijos, herederos, y subcesores, de todo de terreno inculto que no se hallaba ya cedido en la Florida oriental, situado entre las margenes de los rios Santa Lucia y San Juan, hasta sus embocaduras en el mar, y la costa del golfo de la Florida é yslas adjacentes, con la embocadura del rio Hijuelos por el grado 26 de latitud, &c., que aceptada por el sr. Duque dicha cesion y donacion tomo posesion quieta y pacificamente, y sin contradiccion alguna de dichos terrenos, y en su nombre su apoderado general, Don Nicolas Garrido, en la ciudad de San Agustin de la Florida, en veinte y siete de Junio del siguiente año de 1818, por ante el señor governador politico y militar, subdelegado de la real hacienda de la misma, de que se estendio y entrego á dicho apoderado general la correspondiente acta; que dueno el sr. Duque difunto por las razones sentadas de los mencionados terrenos otorgo S. E. diferentes escrituras de cesion, y otras relativas al asunto, tanto por su derecho proprio, como otras por terceras personas, siendolo entre estas ultimas la otorgada en siete de Enero de mil ochocientos veinte y uno, por Dn. Antonio Novieja, ya defunto, vecino que fue de esta corte, por ante el escribano de camara, notario de los reinos, Dn. Miguel Calvo Garcia, por lo cual aquel cedio y renuncio en favor de Dn. Vicente Murillo y Monte, y Dn. Ramon Lorenzo Calvo, varios de los espresados terrenos de la Florida oriental, que habia adquirido legitimamente por medio de escritura publica. Y necesitando el esponente en desempeno de la mision que le esta cometida copia integra fechaciente de la referida escritura de siete de Enero de mil ochocientos veinte y uno, respecto haber fallecido el nominado Don Miguel Calvo Garcia, ante quien paso A. V. S., suplico se sirva expedir el correspondiente mandamiento compulsorio para que por el archivero general de escrituras publicas de esta muy heroica villa, en cuyo poder deven ecsister originales los protocolos de todos los instrumentos publicos que pasaron ante dicho notario de los reinos, Don Miguel Calvo Garcias, se le de copia fechaciente de dicha escritura de siete de Enero de mil ochocientos veinte y uno, pues asi és justicia que pido, &c.

Madrid, catorce de Enero de 1850.

SEVERN TEACKLE WALLIS.

Yo, el ynfrascripto, doy fee connoyco al ynteresado, y la firme de esta, que uso su puno y letra, y el sobre puesto en mi presencia.
Madrid ut supra.

ROMAN LORENZO CALVO.

Auto.

El sr. archibero de es'ras publicas otorjadas ante los esc'nos reales de esta corte, si ecsistiene en las que pasaran ante el difunto, Dn. Miguel Calvo Garcia, lo que se refiere en el anterior escrito, de copia literal de ella á los efectos que haya lugar en dho. á virtud y continuacion de este auto que sirve de mandamiento en forma. El sr. D. Miguel Maria Duran, juez de primera instancia en Madrid, lo mando en ella á diez y siete de Enero de mil ochocientos cincuenta.

SAN. DE LA GRANJA,
DURAN.

En ejecucion y cumplimiento de lo que se manda por el auto que antecede, yo, el infrascrito secretario de S. M., y archivero ynterino del grat. de escr'as pp'cas de escribanos reales, notarios de reynos, y del ylustre colegio de esta corte, certifico, que en registro protocolo de las que pasaran ante el escribano que fue de S. M. el sr. Dn. Miguel Calvo Garcia, en los años de mil ochocientos veinte á mil ochocientos veinte y cuatro, que se halla foliado con separacion de años al folio primero del de mil ochocientos veinte y uno, se encuentra la escritura de cesion que á la letra dice asi:

En la villa de Madrid, á siete de Enero de mil ochocientos veinte y uno, ante mi, el escribano de la camara, notario de los reinos, y testigos que se diran, Don Antonio Novieja, vecino y maestro evanista en esta corte, dijo: Que por escritura otorgada con fha. treinta de Junio proximo pasado, de mil ochocientos veinte, ante el escribano notario de los reynos, Don Roman Lorenzo Calvo, y competente numero de testigos, por Dn. Vicente Murillo y Monte, de esta vecindad, contador secretario de la empresa del canal de Manzanares, como apoderado general del ex'mo señor Duque de Alagon, de una parte, y de la otra Dn. Gregorio Gonzales de Azaola, residente en esta m. h. villa, como representante de Dn. Ricardo S. Hackley, domiciliado en Richemond, en los Estados Unidos de la America, actubo y adquirio una cierta porcion en los terrenos incultos que no se hallaban cedidos en la Florida oriental, y que el Rey (Dios le guarde) havia cedido en todo dominio y propriedad, para si y sus sucesores, al ex'mo Sr. Duque de Alagon, por rl. or'n de diez y siete de Dicembre de mil ochocientos diez y siete, en consideracion á sus distinguidas meritas y servicios, sitos entre las margenes de los rios St. Lucia y Sn. Juan, hasta sus embocaduras en el mar, y la costa del golfo de la Florida é yslas adjacentes, en la embocadura del rio Hijuelos, por el grado veinte y seis de latitud, siguiendo su orilla yzquierda hasta su nacimiento, tirando una linea á la laguna Macaco, bajando luego por el camino del rio de San Juan hasta la laguna Valdes, costando por otra linea

desde el extremo norte de esta laguna hasta el nacimienta del rio Amarrima, siguiendo la orilla derecha hasta su embocadura por los veinte y ocho grados y veinte y cinco minutos de latitud, y continuando por la costa del mar, con todas sus ylas adjacentes, hasta la embocadura al rio Hijuelos, concediendo S. M. á dho. ex'mo Sr. Duque al tiempo de hacerle dha. gracia y cesion la facultad y permiso de poder introducir negros para el cultivo y trabajo de dichas tierras libre de derechos, teniendo presente cuan interesante era á la nacion quereddiesen á grandes capitalistas dichos terrenos incultos, con el fin de que se poblasen y cultibaren que era el principal objet del Rey por conocer las considerables ventajas que en ello resultaban; que luego que dicho ex'mo Sr. Duque tomo posesion de los terrenos que se le cedieran por dicha rl. or'n por medio de su apoderado, Dn. Nicolas Garrido, en veinte y siete de Junio de mil ochocientos diez y ocho, de que se le dio el competente documento por el governador á Sn. Agustin de la Florida, trato S. E. de consolidar el combenio de transacion, y en con mucha anterioridad desde el principio de la concesion de la gracia havia empezado á realizar y pactar con el Don Ricardo S. Acley con presencia y conveniento de un pliego de condiciones que este presente bajo de ciertas bases, con fha. primero de Enero de mil ochocientos diez y ocho; y despues de varias discusiones, tomando en consideracion S. E. los vastos convenientos y particulares circunstancias en la materia de que ha hecha referencia, que concurren en dicho Dn. Ricardo S. Acley, cedio esta parte de los espresados terrenos por escritura que otorgo con fha. esta corte á veinte y nueve de Mayo de mil ochocientos diez y nueve, por lo que le cedio, renuncio, y traspaso, é hizo gracia y donacion pura y perfecta, ó irrevocable, entre vivos, para siempre jamas, por si y á nombre de sus hijos, herederos, y sucesores, á favor del Don Ricardo S. Hackley y compania, domiciliado en Richemond, en los Estados Unidos de America, todo el terreno ql. se halla comprendido desde la embocadura del rio Amarrima, por su orilla derecha, hasta la fuente de este rio, tirando una linea recta al rio Sn. Juan, y suviendo por la ysquierda de este mismo rio hasta la laguna Macaco, y desde la punto del sur de esta laguna, tirando una linea recta á las fuentes del rio Hijuelos, bajando por su orilla derecha hasta embocadura en el mar, continuando por la costa, con sus yslas adjacentes, hasta la embocadura del rio Amarrina; cuyos terrenos son de los comprendidos en la gracia de cesion hecha por el Rey á dho. ex'mo sr. por la real or'n de diez y siete de Dicbre. de mil ochocientos diez y siete, reserbando en si S. E., en todo dominio y propriedad, los demos puntos y terrenos que espresamente, no se denominabar en la citada escritura de cesion de veinte y nueve de Mayo de mil ochocientos diez y nueve, consegurando al proprio tiempo S. E., que dha. cesion la hacia de su libre y espontanea voluntad, y en consideracion á las ventajas y utilidad quien ello se prometia, especialmente en el modo y forma de realizarse la limpia, desmonte, y consiguiente poblacion, punto el mas interesante al govierno, y que havia ofrecido realisar incontinente el nominado Dn. Ricardo S. Acley y compania, combiniendose ambos reserbadamente en que mas

adelante y por medio de la competente és escritura, se havian de hacer cuatro partes de los terrenos cedidos á Acley, á saber, el primero que havia de ser exclusivamente para el nominado ex'mo Sn. Duque de Alagon, lo havia de componer desde la embocadura del rio Hijuelos, suviendo hasta la laguna Macaco, y desde esta por el rio Sn. Juan hasta el frente de las fuentes del rio Romano, y bajando por este á la orilla isquierda de la baia Carlos, y la linea de la costa hasta la embocadura del rio Hijuelos; y las tres cuartas partes de terrenos, y de las cuales se havia de hacer precisamente tres suertes ó partes yguales, lo compondrian desde la vaia Carlos, subiendo por el rio Romano hasta el rio Sn. Juan, y bajando por este á la laguna Valdes, y desde esta tirando una linea á las fuentes del rio Amarrinar bajando por el hasta su embocadura en el mar, y corriendo la linea de la costa hasta la vaia Carlos, y estando en esto conformes, y combenidos, y facultades competentemente, asi el Dn. Vicente Murillo y Monte por su principal, el ex'mo Señor Duque de Alagon, como el Dn. Gregorio Gonzalez de Azaola, por el suyo el Dn. Ricardo S. Acley realizaran dha. separacion y particion de las cuatro partes de terrenos por la referida escritura de treinta de Junio del año ultimo, declarando por ello que la cesion de terrenos hecha por el ex'mo Sr. Duque de Alagon, á fabor del Don Ricardo S. Acley y compañia, por la esc'ra de veinte y nueve de Mayo de mil ochocientos diez y nueve, *de Mayo de mil ochocientos diez y neuve*, devia ser y entenderse conforme en un todo á lo que entra intencion tratado y combenido anterior y posteriormente subdividula en cuatro partes ó suertes, á saber, la primera que devia ser y entenderse esclusivamente en todo dominio y propriedad para el ex'mo Sr. Duque de Alagon, la compondria el terreno situado desde la embocadura del rio Hijuelos, suviendo hasta la laguna Macaco, y desde esta con el rio Sn. Juan hasta el fuente á las frentes del rio Romano, y bajando por este á la orilla izquierda de la vaia Carlos y la linea de la costa hasta la embocadura del rio Hijuelos; y el resto comprendido desde la vaia Carlos, suviendo por el rio Romano hasta el rio San Juan, y *San Juan*, y bajando por este hasta la laguna Valdes, y desde esta tirando una linea á las fuentes del rio Amarrino, bajando por el hasta la embocadura del mar, y corriendo la linea de la costa hasta la vaia, se hicieron tres suertes ó partes iguales, destinandose una para los gastos indispensables que havia que hacer en llevar á efecto la limpia, desmonte, y consiguiente poblacion, y llenar en ello las intenciones del govierno; otra para el Dn. Ricardo S. Acley y compania, y el Dn. Gregorio Azaola, y la restante para el compareciente en consideracion á la gratitud que le merecia dho. ex'mo Sr. Duque de Alagon, tanto por las cantidades que le era en deber, como por los conocimientos é instrucciones que le havia dado y suministrado para el meyor en'to de la empresia á la gracia, y como huviese aceptado en forma la cesion de dhas. cuatro partes le corresponde esta en todo dominio y propriedad, segun que asi mas estensamente consta y aperece de la referida escritura del treinta de Junio, la cual para mayor firmeza y validacion de este instrumento aqui se inserta, y su tenor és el siguiente:

Escri'ta. En la villa de Madrid, á treinta de Junio de mil ochocientos veinte, ante mi, el escribano de camara, notario de los reynos, y testigos que se diran comparecieron de una parte, vecino de esta corte, contador secretario de la empresa del canal de Manzanares, como apoderado general del ex'mo Sn. Duque de Alagon, segun asi consta de los otorgados, ante mi, el ynfrascripto, con fha. doce de Marzo de este año, que en este acto se me han crivido y de ser bastante para lo que se dira doy fé; y de la otra Dn. Gregorio Gonzales de Azaola, residente en esta corte, y representante el Don Ricardo S. Acley, domiciliado en Richmond, en los Estados Unidos de America, á virtud del papel de sociedad firmado por ambos, con fha. diez de Abril de mil ochocientos diez y ocho, el cual ygualmente se me ha exivido y digeron, que por rl. or'n de fha. diez y siete de Diciembre de mil ochocientos diez y siete, en consideracion á los distinguidos meritos y servicios de dho. ex'mo Sr. Duque de Alagon, se digno el Rey (Dios le guarde) cederle el terreno inculto que no se hallaba cedido en la Florida oriental, sito entre las margenes de los rios Sn. Lucia y Sn. Juan, hasta sus embocaduras en el mar, y la costa del golfo de la Florida é yslas adjacentes, en la embocadura del rio Hijuelos, por el grado veinte y seis de latitud, siguiendo su orilla isquierda hasta su nacimiento, tirando una linea á la laguna Macaco, bajando luego por el camino de rio Sn. Juan hasta la laguna Valdes, costando por otra linea desde el extremo norte de esta laguna hasta el nacimiento del rio Amarrina, siguiendo la orilla derecha hasta su émbocadura por los veinte y ocho grados y veinte y cinco minutos de latitud, y continuando por la costa del mar con tal su yslas adjacentes, hasta la embocadura del rio Hijuelos; cuya cesion de dichos terrenos fue en plena propriedad, para si y sus herederos, con la facultad y permiso de poder introducir negros para el cultivo y trabajo de las tierras libres de derechos, teniendo presente S. M. al conceder otra gracia cuan interesante era á la nacion que se diesen á grandes capitalistas los terrenos incultos con el fin de que repoblasen y ultibasen que era el principal objeto del Rey por conocer las considerables ventajas que en ello resultaban; que tan luego como acepto dha. cesion el nominado ex'mo sor. Duque empezo á tratar y conferenciar como lo hizo largamente con el citado Don Ricardo S. Akley, residiendo en aquella epoca en esta corte, asi en rason de los medios, modo, y forma de realizar el desmonte y limpia de parte de dhos. terrenos, para en segun emprender la rehedificacion de edificios y consiguiente poblacion, como para la introduccion de negros, que para ello se hacia indespensable; y cuantiosos desembolsos que havia que hacer sobre lo cual el Dn. Ricardo S. Hackley, bajo la denomicacion de Ricardo S. Ackley y compania, presente un pliego de condiciones bajo de ciertas bases, con fha. primero de Enero de mil ochocientos diez y ocho, y aunque en la mayor parte estaban conformes y combenidos, no llego el caso por entonces que se elevase á escr'a publica dicho tratado y combenio, y por lo mismo asi las cosas y sin perjuicio de continuar como continuaron comferenciando sobre ello con el plausible objeto, de que á la mayor posible breveded, huviesen en parte las justas y beneficos intenciones de S. M. su

debido cumplimiento, el ex'mo sr. Duque, animado de los mismos sentimientos, con fecha veinte y siete de Febrero de dicho año de mil ochocientos diez y ocho, y por ante mi, el ynfrascripto, confirio sus amplios é ilimitados, poderes á Dn. Nicolas Garrido, para que constituyendose en aquellos dominios tomase y aprendiese posesion de los espresados terrenos cedidos por S. M., administrandolos, rijiendolos, y gobernandolos en los terminos que mejor le pareciese, confiriendole para ello y demas casos y cosas que pudiesen ocurrir las facultades mas amplias; y constituido efectivamente el nominado Don Nicolas Garrido, en la ciudad de San Augustin de la Florida, y manifestando los poderes y facultades con que estaba autorizado, se le dio la posesion real, corporal, vel cuasi, y en forma, de dichos terrenos por el Señor Don Jose Coppinger, coronel de los exercitos nacionales, gobernador politico y militar, y subdelegado de la hacienda publica en dicha ciudad, y su provincia, de que se estendio la competente acta por el escr'o de aquel govierno, con fecha veinte y siete de Junio de dicho año de mil ochocientos diez y ocho, y dado de ello el competente testimonio; que haviendo continuando su embargo conferenciando el ex'mo Señor Duque y el Don Ricardo S. Akley, por si y á nombre de su compania, sobre la abonencia y combenio de las vases sobre que rueda el plan de primero de Enero de mil ochocientos diez y ocho, despues de varias discusiones, teniendo presente S. E. las particulares circunstancias, y vastos conocimientos en la materia de que se trata que concurran en dicho Don Ricardo S. Akley, combinieron y partiendo del plan ó pliego de condiciones en que S. E. cediese parte de los nominados terrenos al Don Ricardo S. Akley y compania, como asi lo hizo por escr'a que otorgo ante mi, el ynfrascripto, con fecha en esta corte á veinte y nueve de Mayo de mil ochocientos diez y nueve, por la que cedio, renuncio, y traspaso, é hizo gracia y donacion, puro, perfecta, y irevocable, entre vivos, para siempre jamas, por si y á nombre de sus hijos, herederos, y subcesores, á favor del Don Ricardo S. Akley y compania, domiciliado en Richmond, en los Estados Unidos de America, todo el terreno que esta comprendido desde la embocadura del rio Amarrina, por su orilla derecha hasta la fuente de este rio, tirando una linea rio San Juan, y suviendo por la yzquierda de este mismo rio hasta la laguna Macaco, desde la punta del sur de esta laguna, tirando una linea recta á las fuentes del rio Hijuelos, bajando por su orilla derecha hasta la embocadura del rio Amarrina; cuyos terrenos son de los comprehendidos en la gracia de cesion hecha á S. E. por el Rey (Dios le guarde) por la real or'n de diez y siete de Diciembre de mil ochocientos diez y siete, reservandose en si, el ex'mo Señor Duque, en todo dominio y propriedad, los demas puntos y terrenos que espresamente no se denominada en la citada escr'a de cesion de veinte y nueve de Mayo de mil ochocientos diez y nueve, asegurando al proprio tiempo S. E., que dicha cesion la hacia de su libre y espontanea voluntad, y en consideracion á las ventajas que en ello prometia, especialmente en el modo y forma de realizarse la limpia y demonte, y consiguiente poblacion, punto que tanto intereso á nuestro govierno, y que havia

ofrecido realizar imediatemente en el citado Don Ricardo S. Akley y compania, conforme en el todo al plan de condiciones de fecha primero de Enero de mil ochocientos diez y ocho; cuya cesion hizo su ex'mo al Don Ricardo S. Hakley y compania en los terminos referidos mas combenidos ambos, reservadamente en que mas adelante, y por medio de la correspondiente escr'a, se habia de hacer cuatro partes de los terrenos cedidos á Akley, á saber: El primero, que havia de ser exclusivamente para el nominado ex'mo Señor Duque, lo havia de componer desde la embocadura del rio Hijuelos, suviendo hasta la laguna Macaco, y desde esta por el rio San Juan hasta el frente de las fuentes del rio Romano, y vajando por este á la orilla isquierda de la bahia Carlos, y la linea de la costa hasta la embocadura del rio Hijuelos; y las tres cuartas partes restantes de terrenos, y de las cuales se havian de hacer precisamente tres suertes por partes yguales, lo compendrian desde la vaia Carlos, suviendo por el rio Romano hasta el rio San Juan, y vajando por este á la laguna Valdes, y desde esta tirando una linea a las fuentes del rio Amarrina, vajando por el hasta su embocadura en el mar, y corriendo la linea de la costa hasta la vaia Carlos, estando como estan conformes en realizar dicha particion; y puis instruido de todo el Don Gregorio Azaola, no solo por las ordenes é instrucciones que asi partida de España le suministro el Don Ricardo S. Akley, sino á las que ultimamente ha recivido por sus cartas misivas, y á su virtud usando de ellas y de las facultades que por el mismo le estan conferidas y tienen aceptadas por el papel de sociedad, de fecha diez de Abril de mil ochocientos diez y ocho; y el Don Vicente Murillo de las que le tiene delegadas su principal, el ex'mo Señor Duque de Alagon, por sus poderes generales de doze de Marzo ultimo, que quedan citados ambos comparecientes estan prontos de realizarlo y otorgar sobre ello la competente escr'a, y poniendolo en ejecucion y por la presente en la via y forma que mas haya lugar en derecho ciertos y sabedores del que en este caso respectivamente les compete y á sus principales, otorgan que declaran que la cesion de terrenos hechos por el ex'mo Señor Duque de Alagon á fabor del Don Ricardo S. Hackley y compania, por la escr'a de veinte y nueve de Mayo de mil ochocientos diez y nueve, que queda citada y conforme á le que anterior y posteriormente tenian tratado y combenido entre si, debe ser y entenderse subdividida en cuatro partes ó suertes, á saber: La primera, que debe sir y entenderse en todo dominio, propriedad, y exclusivamente para el ex'mo Sn. Duque de Alagon, la compendra el terreno situado desde la embocadura del rio Hijuelos, suviendo hasta la laguna Macaco, y desde esta con el rio Sn. Juan hasta el frente de las fuentes del rio Romano, y vajando por este á la orilla ysquierda de la vaia Carlos, y la linea á la costa hasta la embocadura del rio Hijuelos, y el visto comprendiole donde la vaia Carlos, subiendo por el rio Romano hasta el rio Sn. Juan, y vajando por este hasta la laguna Valdes, y desde esta tirando una linea á las fuentes del rio Amarrina, y bajando por el hasta su embocadura en el mar, y corriendo la linea de la costa hasta la vaia, se havian tres cuartes ó partes iguales, dedicandose una para los gastos y

desembolsos que indispensablemente hay que hacer en llevar à efecto la limpia, demonte, y consiguiente poblacion, y llevar con ello las intenciones del Rey manifestas bien terminamente en la real orden de diez y siete de Diciembre de mil ochocientos diez y siete, por la que S. M. tubo á bien hacer cesion de dichos terrenos al referido ex'mo Sn. Duque de Alagon; otra para el Dn. Ricardo S. Akley y compañia, y otorgante Dn. Gregorio Azaola; y la restante para Dn. Antonio Novieja, vecino de esta corte, en consideracion de la gratitud que le merece S.E. tanto por las cantidades que le és en deber, como por los convenientos que le ha suministrado para el mejor exilo de empresa de la gracia, y ql. ha ofrecido continuarlo, hasta que todo quede corriente y solventado estando todos conformes y combenidos en que por ahora continue el Dn. Ricardo S. Hackley *S. Hackley* y compania administrando, rijiendo, y gobernando por si, ó como mejor le pareciese, los terrenos que le fueron cedidos por el ex'mo Sr. Duque de Alagon por la esc'ra de veinte y nueve de Mayo de mil ochocientos diez y nueve, componentes las cuatro partes que quedan designadas, respecto la suma confianza que de el tienen, y particulares circunstancias y bastos conocimientos de que se halla adornado en la materia, estando muis satisfachos de ql. aun tiempo dara la debida cuento de la direccion ó inversion de todo; y el Dn. Gregorio Azaola, por si y á nombre de su principal, el Dn. Ricardo S. Hackley y compania, renuncio, se separa, desiete, y aparta del derecho y accion que tenia y havia adquirido por la referida escr'a de veinte y nueve de Mayo de ochocientos diez y nueve, á los terrenos que por ella le fueron cedidos y solo acepta, adquiere, y pasa á su poder una de las tres cuartas partes del terreno que queda designado, quedando por consecuencia en esta parte vota nula, de ningun valor, y tal como sino existiene, ni menos se huviese otorgado la referida escr'a de veinte y nueve de Mayo de mil ochocientos diez y nueve, y solo se ha de tenor por firme, segura y subsistente, la presente, la cual aceptan por si y á nombre de sus respectivos principales, no solo los otorgantes, sin el Don Antonio Novieja, que se halla en este acto presente, y se ha enterado mas estensamente del contenido de esta escr'a, tal y en la conformidad que en ella se refiere entendiendose la respectiva cesion que queda hecha con todos las entradas y salidas de los terrenos, usos, costumbres, derechos, y servidumbres, que hasta ahora han tenido, y á hecho y por derecho se han correspondiendo al nominado ex'mo Sr. Duque de Alagon, para que cada uno respectivamente disponga de ello como cosa suya adquirida por justo y legitimo titulo, como lo és esta escr'a; asegurando el otorgan le Dn. Vicente Murillo y Monte que á su principal el ex'mo Sr. Duque de Alagon, por las causas y rasones sentadas le tocan y pertenecer legitamamente los espresados terrenos, de las cuales no tiene hecho otra cesion que la que en parte queda anulada por este instrumento, ni menos estan sujetos ser responsables á ninguna cargo ni gravamen, sobre lo cual no tiene la menor nocion; y mutualmente se dan poder y facultad para que cada uno de por si disponga de su parte como mejor le pareciere; y á la observancia y cumplimiento de todo obligan y se obligan con todos los

vienes, muebles y vaices, havidos y por haver, y para que se les compela á ello como si fuere por sentencia definitiva de juez competente, pasadan en autoridad de cosa jusgada, que por tal la reciven, renuncian el suyo proprio jurisdiccion, domicilio, y vecindad, leyes, fueros, y derechos, de su favor, con la que prohibe la general de ellas en forma. Y asi lo dijeros otorgaron y firmaron á quienes, doi fée conoza; siendo testigos Don Juan Lopez, Don. Jose del Rio, y Don Jose Blanco, vecinos y residentes en esta corte.

VICENTE MURILLO Y MONTE,
ANTONIO NOVIEJA,
GREGORIO GONZALES AZAOLA.

Ante mi.

ROMAN LORENZO CALVO.

Yo, Dn. Roman Lorenzo Calvo, secretario del Rey, escribano de camara en el tribunal especial de guerra y marina, y de los cuerpos y tropas de casa real notarios de los reynos é individuo del ylustre colegio de esta corte, presente fui á su otorgamiento, y en fé de ello lo signo y firmo dicho dia, en este pliego del sello primero é intermedio del cuarto de cuarenta maravedises, en el que queda el registro protocolo con la nota de esta saca y para uso y resguardo de Antonio Novieja.

Esta signado, ROMAN LORENZO CALVO.

Concuerda con su original que á este efecto me fue exivido por Dn. Antonio Novieja, á quien lo devolví y firmí su recivo. Y para que conste, donde combengo á su instancia, yo, Dn. Miguel Calvo Garcia, escribano de camara, notario de los reinos y de dho. colegio, pongo el presente, que signo y firmo en Madrid, á cuatro de Enero de mil ochocientos veinte y uno. Reciví el original.

ANTONIO NOVIEJA.

Hay un signo. MIGUEL CALVO GARCIA.

Sigue la escr'a.

Concuerda con su original que queda unido é incorporado al registro protocolo de esta esc'ra, de que doi fee, y aqui el compareciente se venite, quien usando del derecho y haccion que tiene y ha adquirido por la escritura de treinta de Junio del año proximo pasado, que va inserta á la parte de los terrenos incultos que en la Florida oriental cedio el Rey (Dios le guarde) al ex'mo Señor Duque de Alagon, por la real orden de diez y siete de Diciembre de mil ochocientos diez y siete, ha determinado por ciertas causas y rasones que le assisten cederla y traspasarla, y poniendola en ejecucion por la presente en la via y forma que mas haya lugar en derecho cierto, seguro y salidos, del que en este caso le compete; otorga que por si y en nombre de sus hijos, herederos, y succesores, y de quien de ellos huivere vez y causa en cualquier manera, cede, renuncia, y traspasa, para siempre jamas,

y han gracia y donacion, pura, perfecta, é irrevocable, entre vivos, al espresado Dn. Vicente Murillo y Monte, y Dn. Roman Lorenzo Calvo, y á los suyos de la porcion de terrenos incultos cedidos por S. M. al ex'mo Señor Duque de Alagon en la Florida oriental, y que ha adquirido por la escr'a de treinta de Junio del año proximo pasado, que va inserta, en posesion y propriedad, con todas las entradas, salidas, usos, costumbres, derechos, regalias, y servidumbres, que han tenido tienen, y le corresponden y deben corresponder, sin limitacion ni reservacion; cuya cesion, renuncia, y donacion la hace el otorgante de su libre y espontanea voluntad, y en consideracion de que los referidos Dn. Vicente Murillo y Monte, y Dn. Roman Lorenzo Calvo, quedan responsables y obligados á reintegrar y satisfacer al otorgante en dinero efectivo la suma que le és en deber, segun cuentas ajustadas hasta esta fha. el nominado ex'mo Señor Duque de Alagon y de que ya tien entregardo alguna cosa ó cuenta, y estendiendo por separado el correspondiente papel de obligacion firmado por los tres con esta misma fha.; en cuya conformidad y vajo de dha. obligacion cede y doner el otorgante á los dichos Dn. Vicente Murillo y Monte y Dn. Roman Lorenzo Calvo, y á sus herederos y sucesores, la mencionada porcion y terrenos incultos que en la Florida oriental le tocan y corresponden legitimamente por las causas y rasones sentadas, y desde hoy en adelante para siempre jamas, se obliger disposende de su podera, desiste, quita, y aparta, y á los suyos del dominio, titulo, voz, recurro, y otro cualquier derecho que á ella le corresponde, y todo con las acciones reales, personales, utiles, mixtas, directas, ejecutivas, y demas que le competen lo cede, renuncia, y traspasa, en los nominados Dn. Vicente Murillo y Monte y Dn. Roman Lorenzo Calvo, se quienes confiere poder irrevocable con libre franca y general administracion, y constituye procurador actos en su mismo causa, para que de su autoridad ó como los paregen, temen, y aprendan de dichas porcion de terrenos que le fueron cedidos por la escr'a de treinta de Junio, por si y á nombre de sus succesores la real tenencia y posesion que le pertenese y para ql. no necesiter tomar la formalizar á su fabor esta escir'a de la cualquiere se les den las copias que pidan sin ql. para darlas se requiera auto del juez, ni citacion de parte con la que sin otro acto de aprehension ha de servisto haver tomado, aprendido, y transferidoseles su posesion y pleno dominio, y en el interim se constituye *inquihenio* tenedor y precario posedar en legal forma, y se obliga avia revocarla, y si lo hiciere no vestija, y sea visto por lo mismo haverlo formalizado con mayores vinculos y estan lidades añadiande fuerza á fuerza, y contrato á contrato, y los *preistados* Dn. Vicente Murillo y Monte y Dn. Roman Lorenzo Calvo, que estan presentes enterado del contenido de esta escr'a, dijeron aceptan la cesion y donacion que contiene, y se obligan y á sus sucesores á cumplir exactamente lo estipulado en el papel de obligacion que se refiere. Y unos y otros formalizan respectivamente esta escritura, con todas las clausulas que para su mayor validacion sean legalmente necesarios, y quieren se haya por su plido cualquiera sustancial defecto ql. incluya y aun observancia y cumplimiento obligan

sus vienes, meubles y varices, derechos y acciones presentes y futuros, y para que en su caso se les compela á ello como si fuere por sentencia definitiva de juez competente, pasada en autoridad de cosa juzgada, que por tal lo reciven, dan respectivamente su poder cumplido á los jueces y justicias del reyno, y de cualquiera otras partes que corresponda, renunciando el suyo proprio domicilio y vecindad, leyes y derechos á su favor, con la que prohive la general de ellas en forma.

Y asi lo dijeron otorgaron y firmaron, á quienes doy fé conosco, siendo testigos Dn. José del Rio, Dn. Pedro Alcantara Polborinos, y Don José Blanco, vecinos y residentes en esta corte.

VICENTE MURILLO Y MONTE,
ANTONIO NOVIEJA,
ROMAN LORENZO CALVO.

Ante mi, MIGUEL CALVO GARCIA.

Concuerda su matrix que queda en este archivo de mi cargo, lugar citado, á que me refiero. Y para que conste doy la presente, que firmo en Madrid, á veinte y cinco de Enero de mil ochocientos cincuenta. Enmendado, intenciones, dominacion, dicho cedidos, vale.

MIGUEL DE LLANIA.

Legalizacion.

Los escribanos publicos, notarios de los reinos, y del ilustre colegio de esta corte, que aqui signamos y firmamos, certificamos y damos fé, que el sr. Don Miguel de Llania, por quien esta dada y firmada la certificacion que este cede, és como se titulo y nombra, secretario de S. M., y archivero interino del general de escrituras publicas de escribanos reales, y el ylustre colegio de este corte, fiel, legal, y de toda confianza, y la firma puesta al pie de su puno y letra, y la propria que acostumbra en todos sus escritos á las que siempre se les ha dado y da entera fé y credito en juicio y fuera de el. Y para que conste donde convenga, damos el presente, sellado con el de nuestro colejio, en Madrid, á veinte y seis de Febrero de 1850.

(Flourish.) (Flourish.) (Flourish.)

JOSE PEÑOS MARTINOS,
JUSTO MARAYTOR,
JOSE DE PENAL Y GONZALES.

Don Miguel Maria Duran, magistrado honorario de la auda. territorial de Granada, y juez de primera instancia de este villa de Madrid, &a.

Certifico, que los tres es'nos, por quienes se halla legalizado el anterior documento, son legales y de confianza, mereciendo fé y credito en juicio y fuera de el. Y pa. que conste doy la presente, que firmo, en Madrid, á cinco de Febrero del mil ochocientos cincuenta.

(Monte Pio collejio de notarios escribanos real de Madrid.)

MIGL. MA. DURAN.

Dros veinte y seis, &a.

Dn. Jose Francisco Morejon, regente de la audiencia territorial de esta capital:

Certifico, que D. Miguel Maria Duran, por quien esta puerta la anterior, és como se titula y la firma y rubrica con que la subscribe, son al parecer de su puno y letra, segun en sus escritos acostrumbra. Madrid, seis de Febrero de mil ochocientos cincuentas.

[SELLO.] JOSE F. MOREJON.

Don Lorenzo Araola, caballero gran cruz de la real y distinguida orden Española de Carlos tercero, y de la Americana de Isabel la catolica, ministro de gracia y justicia, notario mayor del reino, &c., &c.:

Certifico, que Don Jose Francisco Morejon, por quien se halla autorizado al anterior documento és como se titula regente de la audiencia territorial de esta corte, y suya al parecer la firma puesta á su final, debiendo añadia á instancia de la parte interesada, que los notarios de esta corte no tiennen sello, signo, usando de aquel unicamente el colejio de los mismos. Y para que conste lo firmo en Madrid, á ocho de Febrero de mil ochocientos cincuenta.

LORENZO ARRAZOLA.

Don Antonio Cabellero, subsecretario del ministerio de estado, &c., &c.:

Certifico, que D. Lorenzo Arrazola, por quien se halla autorizado el documento que antecede, és tal ministro de gracia y justicia, como se titula y suya al parecer la firma puesta al final, y para que conste lo firmo en Madrid, á de Febrero de mil ochocientos cincuenta.

ANTONIO CABALLERO.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States of America, near the court of her catholic Majesty, do hereby certify, that the foregoing instrument of writing, authenticated under his hand and notarial sign, by Don Miguel de Llana, notary public of Spain, duly commissioned and qualified, is a true copy of the original public record in the official custody of the said Llana, from which he certifies that it is taken; and that the same has been so authenticated by him on the application of the Secretary of the Interior of the United States, under the acts of Congress of February 22 and 2d March, 1849, in virtue whereof I give these presents.

And I do further certify, that the certificate of the said Llana, and the several official certificates following and authenticating the same, are genuine, as they purport to be, in due form, and by the proper officers.

As witness my hand and seal of this legation, this eleventh day of February, A. D. 1850.

(Seal of legation.)

D. M. BARRINGER.

Translation—Defendant's document No. 31.

Severn Teakle Wallis, commissioned agent and representative in this court of his excellency the Secretary of the Interior of the Government of the United States of America, saith :

That the King of Spain, Ferdinand VII, who is in glory, making use of the prerogatives and seigniority which, as absolute King, appertains to him, thought proper by his royal order, dated 6th February, 1818, in answer to the petition addressed to him by his excellency Don Francisco Ramon de Spes, Fernandez de Cordova y Alagon, and other titles, to make cession and donation in full dominion and property to the said Duke, his children, heirs, and successors, of all the unsettled land in East Florida not heretofore ceded, which lies between the rivers Santa Lucia and St. John, to their entrance into the sea and the coast of the gulf of Florida, with the isles adjacent, with the mouth of the river Hijuelos, in the 26° of latitude; that the said cession and donation having been accepted by the said Duke, he took possession, quiet, peaceful, and without any opposition of said lands, and in his name, his general agent, Don Nicolas Garrido, in the city of St. Augustine, Florida, on the 29th June, 1818, before the military and political governor, and sub-delegate of the royal dominion in the same, did the same, whereby the corresponding act was extended and delivered to the said general agent. That the late Duke, the proprietor by proper title of said lands, executed different deeds of cession and other writings relative to the subject; some in his own name, others by third persons; among these last being that executed 7th January, 1820, by Don Antonio Forrigon, deceased, who was resident of this city, before the chamber, notary of the realms, Don Faignel Calvo Garcia, by which he ceded and renounced in favor of Don Vicente Murrillo y Monte, and Don Romano Lorenzo Calvo, various of the said lands in East Florida, which he had lawfully acquired by means of a public instrument of writing; and the memorialist being compelled in discharge of his mission to have a complete dated copy of the aforesaid instrument of writing, dated 7th January, 1821, from that, (Don Maguil Calvo Garcia, before whom it passed, is dead.)

He prays that you will be pleased [to] issue the corresponding compulsory mandate, commanding the keepers general of the archives of this very heroic city, in whose possession ought to be the original records of all the public instruments which passed before the said notary of the realms, Don Maguil Calvo Garcia, to give a dated copy of the instrument of 7th January, 1821; and this in justice which he prays, &c.

Madrid, 14th January, 1850.

SEVERN TEAKLE WALLIS.

I, the undersigned, certify, that I know the memorialist, and that the foregoing signature is his, and was made in my presence.

Madrid, dated as above.

ROMANO LORENZO CALVO.

The keeper of the archives of public writing, executed before the royal escribanos of this court, if among them, that passed before the said late Don Miguel Calvo Garcia, deceased, can be found, that which is referred to in the foregoing memorial, will give a correct copy of it, to the effect that it may aid the right in obedience to, and in continuation of *of* this act, which will be regarded as a formal mandate.

Señor Don Miguel Maria Duran, judge of the first instance, in Madrid, that ordered this in that city, 7th January, 1850.

SANTIAGO DE LA GRANJA.
DURAN.

In execution and fulfilment of that which is commanded by the foregoing act, I, the undersigned, secretary of H. M. and keeper of the archives ad interim of the written records of the realm and of the illustrious college of the city, certify, that in the registry record of the writings which passed before Don Miguel Calvo Garcia from the year 1820 to the year 1824, both inclusive, which are bound separately by years, in the first place for the year 1821, is the following instrument of cession, which is here literally transcribed, and is as follows:

In the city of Madrid, 7th January, 1821, before me, escribano at chambers, notary of the realm, and the witnesses hereinafter named, Don Antonio Noriego, inhabitant and master cabinet maker of this city, says, that by an executed instrument dated on the 30th June last past of 1820, before the public escribano, notary of the realm, Don Romano Lorenzo Calvo, and the competent number of witnesses, by Don Vicente Murillo y Monte, of this vicinity, secretary accomptant of the enterprise of the canal of Manzanares, as general attorney of the most excellent Duke of Alagon, of the one part, and by Don Gregorio Gonzales Azaola, resident of this city, as agent of Richard S. Hackley, residing in the city of Richmond, in the United States of America, of the other part, obtained and acquired a certain portion in the uncultivated lands of East Florida, not theretofore ceded, which the King (whom God preserve) had ceded in full dominion and property for himself, his heirs, and successors, to the Duke of Alagon, by royal order dated 17th December, 1817, in consideration of his distinguished merits and services, lying between the river Santa Lucia and St. John, to their entrance into the sea and the coast of the gulf of Florida, and the isles adjacent, in the mouth of the river Hijuelos, in latitude 26°, following its left bank to its source, drawing a line to Lake Macaco; descending thence by the river St. John to Lake Valdez, drawing another line from the extreme mouth of said lake to the head waters of the river Amarrima, following its right bank to its mouth in 28° 25′ of latitude, and continuing along the seacoast with all the isles adjacent to the mouth of the river Hijuelos, H. M. granting to the said Duke of Alagon at the time of making said cession, full power and permission to introduce negroes to clear and cultivate said lands, free of duty, considering how important it was to the nation to grant said uncultivated lands to men of large capital, to the end that they might be settled and cultivated, which

was the principal object of the King, who was aware of the great advantages arising therefrom. That as soon as the said Duke of Alagon took possession of said lands, ceded by said royal order, by means of his general attorney, Nicolas Garrido, on the 27th June, 1818, the competent documentary evidence of which was furnished by the Governor of St. Augustine, in Florida, he negotiated about settling the compact of advancements which he had long before, indeed, from the beginning of the cession and grant, *he had* hastened to realize and contract with Richard S. Hackley, in the presence and with the full understanding of a paper of conditions which the latter presented, settled upon certain bases, dated 1st January, 1818, and, after various discussions, his excellency taking into consideration the vast information upon the subject, and the particular circumstances which concurred in favor of the said Richard S. Hackley, ceded that part of said land, which he executed in this city, dated 29th May, 1819, by which he ceded, renounced, passed away, and made grant and donation, sure, perfect, and irrevocable forever, for himself, and in the name of his children, heirs, and successors, to Richard S. Hackley & Co., residing in the city of Richmond, in the United States of America, all the land contracted from the mouth of the river Amarrina by its right bank to its source, drawing a right line to the bank of St. John's, and ascending by the left bank of that river to lake Macaco, from the southern point of said lake, drawing a line to the head waters of Hijuelos, descending its right bank to its mouth into the sea, continuing along the sea coast with the isles adjacent to the mouth of the river Amarrina, which lands are among those comprised in the grant made by the King to the Duke of Alagon in the royal order, dated 17th December, 1817, the said Duke reserving to himself in entire dominion and property all the other points and lands not expressly named in the said instrument of cession of 29th May, 1819. He warranting, at the same time, that he made the said cession of his free and spontaneous will, and in consideration of the advantages and utility which it promised, especially in the matter of cutting away and clearing the lands preparatory to building and settling, a matter of great importance to the Government, which the said Richard S. Hackley & Co. had offered to effect immediately, both agreeing with reservation of the fact that hereafter, and by means of the proper writings, the land ceded to Hackley would have to be divided into four parts, to wit: The first, which was to belong exclusively to the Duke of Alagon, shall be laid off from the mouth of the river Hijuelos, ascending to lake Macaco; thence by the river St. John's to the head waters of the river Romano, and descending thereby to the left shore of Carlos bay, and the line of the coast to the mouth of the river Hijuelos; and the three other fourths of which they had to make three equal shares or portions, and which included the land from Carlos bay, ascending by river Roman to the St. John's, and descending by the latter to the lake Valdez, drawing a right line therefrom to the head waters of the Amarrina, descending that river to its mouth in the sea, and running the line coast to Carlos bay; and the

said Don Vicente Murrillo y Monte, by his principal, the Duke of Alagon, and the said Don Gregorio Gonzales Azaola, by his principal, Richard S. Hackley, who being satisfied and having agreed, being duly authorized and empowered in the premises, did actually make said separation and partition of the four portions of land by the same instrument of writing, dated 30th of June of last year, declaring thereby that the cession of land made by the Duke of Alagon to said Richard S. Hackley & Co., by the instrument of writing, dated 29th May, 1819, was to be and to be understood in strict conformity with what was treated of and agreed upon between themselves, both before and after sub-divididing into four parts or shares, to wit: The first to belong and to be understood, exclusively, in full dominion and property, exclusively, to the said Duke of Alagon, and to comprise the land from the mouth of the river Hijuelos, ascending to lake Macaco; from thence with the river St. John, to the edge of the head waters of the river Romano, descending by the latter to the left shore of Carlos bay and the line of the coast to the mouth of the river Hijuelos, and the remainder ascending from Carlos bay by the river Romano to the river St. John, descending that river to lake Valdez; and from thence drawing a line to the head waters of the river Amarrina, descending that river to its mouth, and running the line of the coast to the bay, shall form the equal parts or shares, appropriating one for the payment of the expenses indispensably necessary to carry into effect the clearing and settling of the land, and consequently fulfilling the intentions of the Government; another for Richard S. Hackley & Co. and Don Gregorio Azaola; and the remainder for the appearer in consideration of the gratitude felt towards him by the Duke of Alagon, as well on account of the money due to him, as for the knowledge and information which he supplied for the better issue of the enterprise of the grant; and as he has formally accepted the cession of the four parts, he gives him this in full property and dominion, as will more fully appear by reference to the said instrument of writing, of 30th of June, which, for the better conformation and validity of this instrument, is here inserted, and is of the following tenor: Conveyance in Madrid, 30th June, 1820, before me, escribano at chambers, notary of the realm, and the witnesses hereinafter named, appeared on the one part Don Vicente Murrillo y Monte, living in this city, accompting secretary of the enterprise of the Manzanares canal, as general attorney of the most excellent Duke of Alagon, as appears from the papers executed before me, dated 12th March of this year, which, in this act, have been exhibited and are sufficient, which I certify; and on the other Don Gregorio Gonzales Azaola, residing in this city, and representing Richard S. Hackley, of Richmond, in the United States of America, by virtue of a partnership agreement signed by both, and dated 10th April, 1818, which in like manner has been exhibited to me, and says, that by royal order dated 17th December, 1817, in consideration of the distinguished merit and services of the said most excellent Duke of Alagon, the King (whom God preserve) condescended to grant him all

the uncultivated lands not theretofore granted in East Florida, lying between the banks of the rivers Santa Lucia and St. John to their entrance into the sea and the coast of the gulf of Florida and isles adjacent, in the mouth of the river Hijuelos, in latitude 26°, following its left bank to its headwaters, drawing a line thence to lake Macaco; descending thence by the river St. John to lake Valdez; drawing another line from the extreme mouth of that lake to the headwaters of the river Amarrina; following its right bank to its mouth in latitude 28° 25′, and continuing along the coast, with all the isles adjacent, to the mouth of the river Hijuelos; which cession of said lands was in full property to him and his heirs, with power and permission to introduce negroes free of duty, to clear and cultivate land; H. M. reflecting, when he made said cession, how important it was to the interest of the state to grant uncultivated lands to persons of large capital, to the end that they might be settled and cultivated, which was the principal object of the King, who well knew the extent of the advantages to be derived therefrom.

That as soon as the Duke of Alagon accepted said cession, he commenced to consulting and conferring, as he did freely, with the aforesaid Richard S. Hackley, at that time living in this city, upon the means, method, and form of carrying into effect the cutting down, clearing a part of said lands preparatory to building upon and settling them, of introducing negroes, which was indispensable, and estimating the great disbursements necessarily to be incurred: whereupon the said Richard S. Hackley & Co. presented a paper of conditions based upon certain premises, dated 1st January, 1818, and although they *they* were for the most part conformable and proper, the matter did not proceed at that time so far that the said treaty and agreement was reduced to public writing; and by the same thing remained thus without hindrance of continuing, as they did continue, with regard to it with the praiseworthy object of carrying into partial effect with the greatest possible despatch the just and kind intentions of *his* H. M. The said Duke of Alagon, animated with the same sentiments, on the 27th day of February of the same year, 1818, before me, the undersigned, conferred his ample and unlimited power upon Don Nicolas Garrido, by which he was authorized in those dominions to take and assume possession of the aforesaid lands ceded as aforesaid by H. M., and to administer, govern, and direct them in the manner which to him might seem most agreeable, there being conferred upon him therefor, and for other causes and circumstances which might arise, the most ample powers. And the said Don Nicolas Garrido, being in fact constituted in the city of St. Augustine, Florida, and exhibiting the powers with which he was invested, possession, actual, corporeal, (or quasi corporeal,) and formal, was given him by Don José Coppiner, colonel in the national armies, governor, civil and military, and sub-delegate of the public domain in said city and its provinces, of which the competent act was extended by the escribano of that government, dated 27th June of said year 1818, and the competent testimony thereof given. That the said Duke of

Alagon and the said Richard S. Hackley, for himself and in the name of his company, having continued to confer without interruption upon the arrangement and settlement of the basis upon *upon* which the plan of 1st January, 1818, should proceed, after various discussions the said Duke of Alagon, taking into consideration the particular circumstances and extensive information of the matter in hand which exist in the person of the said Richard S. Hackley, they agreed to depart from the plan of conditions in that the said Duke of Alagon should cede a part of the lands mentioned to Richard S. Hackley & Co., which he did by an instrument of writing executed before me, the undersigned, and dated in this city 29th May, 1819, whereby he ceded, renounced, passed away, and made grant and donation sure, perfect, and irrevocable for himself, his heirs and successors forever, to the said Richard S. Hackley & Co., of Richmond, in the United States of America, of all that land embraced from the mouth of the river Amarrina, by its right bank to its headwaters, drawing a right line to the river St. John, and ascending by left bank of same river Macao, from the extreme southern point of said lake, drawing a right line to the headwaters of the river Hijuelos, descending by its right bank to its entrance into the sea, continuing along the seacoast, with the isles adjacent, to the mouth of the Amarrina; which lands are among them comprised in the cession made to his excellency by the King (whom God preserve) by the royal order dated 17th December, 1817; the said Duke reserving to himself in full dominion and property all the other points and lands not expressly named in the said instrument of writing, dated 29th May, 1819; declaring at the same time that the said grant is made of his own free and spontaneous will, in consideration of the advantages expected therefrom, in the manner and form of carrying out the cutting down and clearing of the woods preparatory to settling—a point of so much importance to our government, and which the said Richard S. Hackley & Co. have offered immediately to begin, conformably in all respects with the plan or paper of conditions of 1st January, 1818; which cession the said Duke of Alagon made to the said Richard S. Hackley & Co. on the terms aforesaid; both agreeing thereto privately, that hereafter, and by means of the proper instrument of writing, there would have to be made four parts of the land ceded to Hackley, to wit: The first, which was to belong exclusively to the Duke of Alagon, and was to be composed of the lands from the mouth of the Hijuelos ascending to lake Macaco; thence by the river St. John to the edge of the headwaters of the Romano, descending thereby to the left shore of Carlos bay and the line of the coast to the mouth of the Hijuelos; and the three parts remaining of land by which it was agreed to make three shares in equal parts composing it from the bay of Carlos, ascending by the river Romano to the river St. John, and descending by that to lake Valdez; thence drawing a line to the headwaters of the river Amarrina, descending by it to its mouth, and running the line along the coast to Carlos bay, being as they are agreed in reducing such partition to practice. And Don Gregorio Gongalez Azaola, being well in-

the uncultivated lands not theretofore granted in East Florida, lying between the banks of the rivers Santa Lucia and St. John to their entrance into the sea and the coast of the gulf of Florida and isles adjacent, in the mouth of the river Hijuelos, in latitude 26°, following its left bank to its headwaters, drawing a line thence to lake Macaco; descending thence by the river St. John to lake Valdez; drawing another line from the extreme mouth of that lake to the headwaters of the river Amarrina; following its right bank to its mouth in latitude 28° 25′, and continuing along the coast, with all the isles adjacent, to the mouth of the river Hijuelos; which cession of said lands was in full property to him and his heirs, with power and permission to introduce negroes free of duty, to clear and cultivate land; H. M. reflecting, when he made said cession, how important it was to the interest of the state to grant uncultivated lands to persons of large capital, to the end that they might be settled and cultivated, which was the principal object of the King, who well knew the extent of the advantages to be derived therefrom.

That as soon as the Duke of Alagon accepted said cession, he commenced to consulting and conferring, as he did freely, with the aforesaid Richard S. Hackley, at that time living in this city, upon the means, method, and form of carrying into effect the cutting down, clearing a part of said lands preparatory to building upon and settling them, of introducing negroes, which was indispensable, and estimating the great disbursements necessarily to be incurred: whereupon the said Richard S. Hackley & Co. presented a paper of conditions based upon certain premises, dated 1st January, 1818, and although they *they* were for the most part conformable and proper, the matter did not proceed at that time so far that the said treaty and agreement was reduced to public writing; and by the same thing remained thus without hindrance of continuing, as they did continue, with regard to it with the praiseworthy object of carrying into partial effect with the greatest possible despatch the just and kind intentions of *his* H. M. The said Duke of Alagon, animated with the same sentiments, on the 27th day of February of the same year, 1818, before me, the undersigned, conferred his ample and unlimited power upon Don Nicolas Garrido, by which he was authorized in those dominions to take and assume possession of the aforesaid lands ceded as aforesaid by H. M., and to administer, govern, and direct them in the manner which to him might seem most agreeable, there being conferred upon him therefor, and for other causes and circumstances which might arise, the most ample powers. And the said Don Nicolas Garrido, being in fact constituted in the city of St. Augustine, Florida, and exhibiting the powers with which he was invested, possession, actual, corporeal, (or quasi corporeal,) and formal, was given him by Don José Coppiner, colonel in the national armies, governor, civil and military, and sub-delegate of the public domain in said city and its provinces, of which the competent act was extended by the escribano of that government, dated 27th June of said year 1818, and the competent testimony thereof given. That the said Duke of

Alagon and the said Richard S. Hackley, for himself and in the name of his company, having continued to confer without interruption upon the arrangement and settlement of the basis upon *upon* which the plan of 1st January, 1818, should proceed, after various discussions the said Duke of Alagon, taking into consideration the particular circumstances and extensive information of the matter in hand which exist in the person of the said Richard S. Hackley, they agreed to depart from the plan of conditions in that the said Duke of Alagon should cede a part of the lands mentioned to Richard S. Hackley & Co., which he did by an instrument of writing executed before me, the undersigned, and dated in this city 29th May, 1819, whereby he ceded, renounced, passed away, and made grant and donation sure, perfect, and irrevocable for himself, his heirs and successors forever, to the said Richard S. Hackley & Co., of Richmond, in the United States of America, of all that land embraced from the mouth of the river Amarrina, by its right bank to its headwaters, drawing a right line to the river St. John, and ascending by left bank of same river Macao, from the extreme southern point of said lake, drawing a right line to the headwaters of the river Hijuelos, descending by its right bank to its entrance into the sea, continuing along the seacoast, with the isles adjacent, to the mouth of the Amarrina; which lands are among them comprised in the cession made to his excellency by the King (whom God preserve) by the royal order dated 17th December, 1817; the said Duke reserving to himself in full dominion and property all the other points and lands not expressly named in the said instrument of writing, dated 29th May, 1819; declaring at the same time that the said grant is made of his own free and spontaneous will, in consideration of the advantages expected therefrom, in the manner and form of carrying out the cutting down and clearing of the woods preparatory to settling—a point of so much importance to our government, and which the said Richard S. Hackley & Co. have offered immediately to begin, conformably in all respects with the plan or paper of conditions of 1st January, 1818; which cession the said Duke of Alagon made to the said Richard S. Hackley & Co. on the terms aforesaid; both agreeing thereto privately, that hereafter, and by means of the proper instrument of writing, there would have to be made four parts of the land ceded to Hackley, to wit: The first, which was to belong exclusively to the Duke of Alagon, and was to be composed of the lands from the mouth of the Hijuelos ascending to lake Macaco; thence by the river St. John to the edge of the headwaters of the Romano, descending thereby to the left shore of Carlos bay and the line of the coast to the mouth of the Hijuelos; and the three parts remaining of land by which it was agreed to make three shares in equal parts composing it from the bay of Carlos, ascending by the river Romano to the river St. John, and descending by that to lake Valdez; thence drawing a line to the headwaters of the river Amarrina, descending by it to its mouth, and running the line along the coast to Carlos bay, being as they are agreed in reducing such partition to practice. And Don Gregorio Gongalez Azaola, being well in-

formed of the whole, not only by the orders and instructions given him by the said Hackley when he departed from Spain, but also by others afterwards given in his letters missive, and in consequence making use of them and of the favors conferred upon him by said Hackley, and had been accepted by the partnership agreement dated 10th April, 1818, and Don Vicente Murrillo y Monte employing them, conferred on him by his principal, the most excellent Duke of Alagon, by his general powers of the 12th March last, already cited, both parties were ready to realize it, and by these presents did execute for that purpose the competent instrument in the manner and form most common in proceedings of the like nature, well aware of what it was competent for them and their principals to do in this case.

They declare in the instrument, that the cession of lands made by the most excellent Duke of Alagon to Richard S. Hackley & Co., by the instrument dated 29th May, 1819, already cited and conformable to what was before and afterwards treated of and agreed upon between them, ought to be, and was understood [to be,] subdivided into four shares or portions, to wit:

The first, which ought and was understood to belong in full dominion and property exclusively to the Duke of Alagon, was composed of the land lying from the mouth of the Hijuelos ascending to *to* Lake Macaco, from thence by the river St. John to the edge of the head waters of the Romano, descending by it to the left shore of Carlos bay and the line of the coast to the mouth of the river Hijuelos; and the remainder, embraced from the bay of Carlos, ascending by the river Romano to the river St. John, descending that river to lake Valdez, thence drawing a line to the head waters of the Amarrina, descending it to its mouth, running the line along the coast to the bay, to be divided into three shares or equal portions, and to be applied one for the expenses and disbursements indispensably necessary to carry into effect the cutting of wood and clearing the land preparatory to settling and fulfilling thereby the intention of the King, manifested with sufficient distinctness in the royal order of 17th December, 1817, whereby H. M. thought proper to make cession of said lands to said Duke of Alagon; another for Richard S. Hackley & Co., and his agent, Don Gregorio Azulon, present, and the remainder for Don Antonio Noriego, inhabitants of this city, in consideration of the gratitude which the said Duke owes him as well on account of the sums which are due him, as for the information which he has given him for the better success of the enterprise of the grant, and because he has offered to continue it until all shall have been settled and arranged; all uniting in agreement, that for the present *that* the said Richard S. Hackley & Co. shall continue to administer, direct, and govern for himself, or as shall appear to him most advisable, the lands which were ceded to him by the Duke of Alagon by the instrument dated 29th May, 1819, composing the four parts which have been designated, in consideration of the great confidence they have in him, and of the particular circumstances and vast information with regard to the subject which all united

in him, being well satisfied that he will, at the proper time, render an accurate account of direction and conversion of the whole; and the said Gregorio Azaola for himself, and in the name of his principal, the said Richard S. Hackley & Co., renounces, separates, divests, and parts from all right and action which he had or might have acquired by the aforesaid instrument of 29th May, 1819, to the lands thereby ceded him, and only acquires, accepts, and obtains one of the three out of the four parts of the land which has been designated, remaining in consequence thereof null and void in this particular, and such as if it had not existed, as if the aforesaid instrument of 29th May, 1819, had not been executed, and only held firm, enduring, and substantial, these presents, which the several parties accept for themselves, and in the name of their respective principals; they not only executing them, but Don Antonio Noriega, who is a party in this act, and is fully apprised of the contents of this instrument and of the agreement therein alluded to. The respective cessions which have been made are to be understood with all the rights of ingress, egress, regress, uses, customs, rights, and services which have hitherto appertained to the lands, and in fact and in law have belonged to the aforesaid Duke of Alagon, so that each one respectively may dispose of the same as of a thing belonging to himself, and acquired by a just and legitimate title, which this instrument *which this instrument* is. The said Don Murillo y Monte warranting and assuring for his principal, the Duke of Alagon aforesaid, that for the causes and reasons heretofore set forth, the aforesaid lands lawfully belong and appertain to him, and that he has made no other cession of them than that which is in part annulled by this instrument, neither are they subject or liable to any charges or burdens, of which he has not the least idea. And they mutually confer upon each the power to dispose of his portion as he may think proper; and, to the observance and fulfilment of all, they bind themselves with all their goods, chattels, and estate, in possession or expectancy, and that they may be compelled thereunto as if it were by definitive sentence passed by a competent judge passed in authority of his tribunal, and for such they receive it; they renounce their own jurisdiction, domicil, and vicinity, laws, rights, and powers in their favor, and whatsoever advantage they may derive therefrom. This they say, covenant, and sign, whereof I certify the following living witnesses: Don Juan Lopez, Don José del Rio, and Don José Blanco, living and residing in this city.

NORIEGO,
GREGORIO GONZALES AZAOLA,
Before me. ROMANO LORENZO CALVO.

I, Don Romano Lorenzo Calvo, secretary of the King, escrebano of chambers, in the special tribunal of war and marine, and of the royal household troops and corps, notary of the realm, and member of the illustrious college of this city, was present at the execution; and in witness whereof I make it and sign it on said day on this sheet, with the first or intermediate seal of a forty maravede piece, in which is the

registry record, with the note of this; and for the use and security of Don Antonio Noriega.

(Signed,) ROMANO LORENZO CALVO.

Agrees with the original, which for the purpose was exhibited to me by Don Antonio Noriega, to whom I returned it, and signed his receipt. In testimony whereof whom it may avail, at his request, I, Don Maguell Calvo Garsin, escribano of chambers, notary of the realm, and of said college, give these presents, which I rubricate and sign in Madrid, 4th January, 1821.

I have received the original.

(A rubric.) ANTONIO NORIEGA,
MIGUEL CALVO GARCIA.

The conveyance continues—agrees with its original, which is united and incorporated in the registry record of this instrument, which I certify, and which the party refers to, making use of the right and action which he holds and has acquired, and has, by the instrument dated 30th June, of the year last passed ,which is inserted, to the portion of uncultivated land in East Florida, ceded to the Duke of Alagon by the King (whom God preserve) by the royal order dated 17th December, 1817, has determined for certain causes and reasons which operate on him, to cede and pass, and carry the same into execution by these presents, convey in the manner and due form of law most usual with regard to a right, secure and understood, which in this case he is competent to do.

He engages for himself, and in the name of his children, heirs and successors, or whoever may claim by or through them in any manner whatsoever, to cede, renounce, and pass away forever, and to make grant and donation pure, perfect, and irrevocable, between the living to the aforementioned Don Vicente Murrillo y Monte and Don Romano Lorenzo Calvo, and their representatives, of the portions of uncultivated lands in East Florida ceded by H. M. to the Duke of Alagon, and which he acquired by the instrument, dated 30th June, of the year last past, which is inserted in possession and property, with all the rights of ingress, egress, and regress, usages, customs, privileges, royalties and services which have belonged, do belong, and ought to be attached thereto, without limitation or reservation; which cession, renunciation, and donation, the covenanter makes of his own free and spontaneous will, and in consideration of the aforesaid Don Vicente Murrillo y Monte and Don Romano Lorenzo Calvo, being responsible and bound to assume and satisfy the covenanter, in the sum of actual cost which is due to him by the Duke of Alagon, upon a settlement of accounts up to this date, and of which they already have paid and delivered something on accounts, extending the corresponding paper of obligation, signed by the three of the same date, in conformity thereto; and under the said obligation the covenanter cedes and donates to the said Don Vicente Murillo y Monte, and Don Romano Lorenzo Calvo, and to their heirs and successors, the aforementioned portion and uncultivated

lands in East Florida, which belong and appertain to him, lawfully, for the causes and reasons expressed; and from this time forward forever relinquishes, dispossesses, disempowers, yields, quits, and parts with, for himself and his representatives, the dominion, title, name, remedy, and every other right attached thereto, and all with the action real, personal, and mixed, uses, trusts, rights, executive and others which belong to him, he cedes renounces, and passes away to the said Don Vicente Murrillo y Monte and Don Romano Lorenzo Calvo, upon whom he confers irrevocable powers, with full, frank, and general administration, and constitutes each acting procurator in his own cause, that of his own authority, or as they think best, they may take and appropriate of said portion of land ceded them by the instrument dated 30th June, for themselves and their successors, the actual seisin and possession which apertains to them; and in order that they may not be compelled to take it, he promises in their favor, this instrument, of which he desires that the copies be given them which they ask, without an act of the judge or a formal citation being thereunto required, but by the force thereof, without any other possessory act, they may be construed to have taken seizin, and have transferred to them their full possession and dominion; and in the interim he constitutes himself the tenant of of the possessor in legal form, and obliges himself not to revoke this instrument, or if he shall do so, such revocation shall have no validity; and the same will see that it be formalized with greater binding force, adding force to force, and contract to contract.

And the said Don Vicente Murrilo y Montes, and Don Roman Lorenzo Calvo, now present, being apprised of the contents of this instrument, say, that they accept the cession and donation which it contains, and bind themselves, their heirs, and successors, to comply punctually with the stipulations contained in the paper of obligations referred to, and both germane respectively; this instrument, with all the clauses which, for its greater validity, are required by law, and ask to be allowed to answer whatever substantial defect may be included; and to the observance and fulfilment thereof, they bind their property, real and personal, and estate, rights and actions, present and prospective, and in order that in their case they may be compelled thereto, as if it were by the definitive sentence of a competent judge, passed upon a matter already adjudicated before him, and for such they accepted, they give full authority thereto to judges and justices of the kingdom, and to every other correspondent party, renouncing their own domicil, land and rights with all the benefits arising therefrom in their favor, with the general law relating to the subject.

Thus they, say covenant and sign, which I certify to know; the following persons being witnesses, Don José del Rio, Don Pedro Alcantara Polborinas and Don José Blanco, living and residing in this city.

VICENTE MURILLO Y MONTE,
ANTONIO NOVIEJA,
ROMAN LORENZO CALVO,
Before me, MIGUEL CALVO GARCIA.

Agrees with the original in the archives under my charge, to which I refer. In testimony whereof I give these presents, which I sign in Madrid, 25th January, 1850. Corrected—entencions, dominacion, dicho cedides, vale.

MIGUEL DE LLANIA.

Legalization.

The escribanos of H. M., notaries of the kingdom and of the illustrious college of this city, who hereto affix our hands and signets, certify and attest, that Dn. Ramon Lorenzo Calvo, by whom the foregoing certified copy is authenticated, is, as he styles himself, secretary of H. M., his secretary of chambers, and notary of the kingdom, and member of the said illustrious college; that he is faithful, legal, and of all confidence; and the signet and handwriting affixed hereto is in his own handwriting, and such as he uses in all his instruments, to which full faith is and have already been given judicially and extra judicially.

In testimony whereof, wherever it may avail, we give these presents, sealed with the seal of our college, at Madrid, on the 26th January, one thousand eight hundred and fifty.

[Rubric.] [Rubric.] [Rubric.]

JOSE PEREZ MARTINEZ,
JUSTO MORATO,
JIN. DEL PEMAL Y LONGULES.

I, Don Miguel Maria Dusan, an honorary magistrate of the territorial audience of Grenada, and judge of first instance of this city of Madrid, do certify, that the three escribanos by whom the foregoing document is authenticated are legal and of confidence, and are entitled to faith and confidence in judicature and thereout.

In testimony whereof I grant these presents, at Madrid, the 5th February, one thousand eight hundred and fifty.

[Seal of college.] (Signed) MIGUEL MARIA DUSAN.

[Fees: 26 reals velon.]

Don Jose Francisco Morigon, regent of the territorial audience of this capital, certify, that Don Miguel Maria Dusan, by whom the foregoing is granted, is, as he styles himself; and the signature and rubric with which he authenticated the same, are to all appearances in his handwriting, as he is accustomed to do in his writing.

Madrid, 6th February, year of the seal.

[SEAL.] (Signed) JOSE FRN. MORIGON.

I, Don Lorenzo Arrazola, knight grand cross of the royal and distinguished Spanish order of Charles the III, and of American order of Isabel the catholic, minister of grace and justice, principal notary of the kingdom, &c., certify, that Don Jose Francisco Morigon, by whom the foregoing document is authenticated, is, as he styles himself, regent of the territorial audience of this city, and the signature and rubric attached thereto are his to all appearances; and I certify, also, at the

request of the party interested, that the notaries of this court have no seal, but only a signet, the college only using the seal.

In testimony whereof I grant these presents, at Madrid, this 8th February, one thousand eight hundred and fifty.

(Signed) LORENZO ARRAZOLA.

I, Don Antonio Cabballero, secretary of the department of State, &c., certify, that Don Lorenzo Arrazola, by whom the foregoing document is authenticated, is such minister of grace and justice as he styles himself, and the signature affixed thereto appears to be his.

In testimony whereof I sign the same at Madrid, the 11th of February, one thousand eight hundred and fifty.

(Signed) ANTONIO CABBELLERO.

[Here follows the certificate of Dan'l M. Barringer, minister of the United States.]

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE, *Translator.*

And the defendant also read in evidence the following document, marked and numbered as Defendant's document No. 32, being a conveyance from the Duke of Alagon to Don Pinto y Lopez, dated 29th of May, 1835.

Defendant's document No. 32.

Conveyance from Duke of Alagon to Don Pinto y Lopez, dated 29th May, 1835.

En la villa de Madrid, á veinte y nueve de Mayo de mil ochocientos treinta y cinco, ante mi, el ynfrascripto, secretario de S. M., su escribano de camara en el tribunal supremo de guerra y marina, notario de los reinos é individuo del ylustre colegio de esta corte, y testigos que se diran, el ex'mo señor Don Francisco Ramon de Espes, Fernandez de Cordova y Alagon, Duque de Alagon, Baron de Spes, Conde de Castel Florido, y otras titulas; grande de España de primera clase; capitan general de los reales ejercitos de S. M.; catolica cabellera de la unique orden del Faissan de no comendador de Ademir y Castelfair, en la orden militar de nuestra señora de Mantesa; gran cruz de la real y distinguida orden Española de Carlos tercero, y de la militar de San Hermenejildo de España, y San Fernando de Napoles; gentilhombre de camara de S. M. con ejercicio; capitan comandante y director del real cuerpo de guardias de la real persona de S. M. la reyna, nuestra señora; protector de la empresa del real canal de Manzanares, y de la real escuela veterinaria de esta corte, &c., &c., dijo: Que el Rey, nuestro señor, Don Fernando septimo, (que esta en gloria,) por real orden de diez y siete de Diciembre de mil ochocientos dies y siete, tuvo á bien condescendiendo con la suplica que S. E. le dirijio, con fecha doce de Julio del mismo año, y en consideracion á su distinguida meri-

tos y acreditado celo y adhesion hacia el real servicio de S. M., y su sagrada real persona, concederle en plena propriedad, para si y sus subcesores, el terreno inculto que no se hallava cedido en la Florida oriental, situado entre las margenes de los rios Santa Lucia y San Juan, hasta sus embocaduras en el mar y la costa del golfo de la Florida é islas adjacentes, con la embocadura del rio Hijuelos, por el grado veinte y seis de latitud, siguiendo su orilla isquierda hasta su nacimiento, tirando una linea á la laguna Macaco, vajando luego por el camino del rio San Juan hasta la laguna Valdez, costando por otra linea desde el extremo norte de esta laguna hasta el nacimiento del rio Amarrima, siguiendo la orilla isquierda hasta su embocadura por las veinte y ocho á veinte y cinco de latitud, y continuando por la costa del mar, con todas las yslas adjacentes, hasta la embocadura del rio Hijuelos, espidiendose de ello en su favor la correspondiente real cedula, con fecha en esta corte á seis de Febrero de mil ochocientos diez y ocho, firmada de la real mano, y refrendada por Don Estevan Varca, su secretario y del supremo consejo y camara de Yndias, concediendo por ella facultad á S. E. para que verificase lo introduccion de negros para el travajo y cultivo de las tierras libre de derecho, comunicandose para que tuvien su devido cumplimiento las oportunas ordenes asi al capitan general de la isla de Cuba, gobernador de la Habana, como al intendente governador de San Agustine de la Florida, y demas autoridades convenientes; que para administrar, dirijer, y governar los terrenos y demas contenido en dicha comprencion, y en consecuencia de no permitiole las gracias atenciones de S. E. hacerlo por se y para personalmente á tomar posesion y acordar al intento las medidad y disposiciones convenientes, á fin de que tuviere efecto en todas sus partes, lo merito de S. M. manifestada bien terminamente, asi en la espresada real orden de concesion de la gracia, su fecha diez y siete de Diciembre de mil ochocientos diez y siete, como en la real cedula de seis de Febrero de mil ochocientos diez y ocho, se decidio despues de un maduro ecsamen á conferir tan importantivo cargo á persona de su entera confianza, y teniendo entonces la que apetecia en Don Nicolas Garrido, residente en aquella epoca en esta villa de Madrid, y al efecto con fecha de veinte y siete del mismo mes de Febrero de mil ochocientos diez y ocho, y ante mi, el ynfrascripto escribano, otorgo á su favor las mas amplios generales é ilimitados poderes que para el caso pudiese necesitar para que á nombre de S. E., y representando en propria persona derechos y acciones se constituyere y presentare ante el ex'mo señor capitan general de la isla de Cuba, governador de la Habana, intendente governador de la Florida, y demas autoridades, illustros, y justicia de aquellas dominios, que correspondiese y previa la competente cessia y licencia tomase y aprendiese con areglo á las leyas que rigen y goviernan en ellos, la posesion, real, corporal, vel cuasi, y en forma, del terreno inculto que va referido y que S. M. se digno conceder en toda propriedad á S. E , para si, y sus herederos, en la Florida oriental, por el mencionado real decreto de diez y siete de Diciembre de mil ochocientos diez y siete, y real cedula espedida á su favor, proce-

diendo en seguida dicho Garrido á administrarlo, dirijido, y governarlo por si, tomando las medidas y disposiciones convenientes á que se verificarse cuanto antes fuere posible el desmonte y limpia de toda enviala-de los sitios y pareges que contemplace mas precisos, y á proposito para la poblacion, y asi mismo á que á la mayor brevedad tuviese efecto esta procurando progresivamente en aumento y rehedificacion de edificios y artefactos, teniendo en ello S. E. la mas completa y entera satisfaccion por unirse en un todo á las justas y savias intenciones del Rey, nuestra señor, (que Dios guarde,) conferiendole igualmente S. E. poder y facultad para que en su nombre y representacion pudiese proceder y procediese al citado Dn. Nicolas Garrido no solo á la introduccion de las negros necessarios y precisos para elaboracion y cultivo de las mencionadas tierras, y libre de derechos, conforme á la determinado por S. M. en la referida real cedula, su fecha seis de Febrero de mil ochocientos diez y ocho, sino tambien á la venta y enajenacion de las porciones de terrenos de los que van referidos, que tubiese á bien á la persono ó personos, compañias, corporaciones ó comunidades, que le pareciese por la cantidad, modo y forma se pagos, que estimaze y contemplase mas utiles y ventajasos á las derechos de S. E., otorgando asi sobre esto como sobre los demas casos y cosas, que occurriesen en el asunto las escrituras, instrumentos, y documentos convenientes, con las clausulas pactos, condiciones, y requisitos y circunstancias, que se parecieren y jusgare mas aproposito á las intenciones de S. E., las cuales desde entonces aprueva y ratifica S. E., como si, por si mismo fuesen hechas otorgadas y convenidas por si mismo, en atencion á la confiansa que le merecia, arreglandose en mi todo á los usos, costumbres, y practica de aquellos paises á las leyes que rijen y goviernan en ellos á la citada real orden de cesion de diez y siete de Diciembre de mil ochocientos diez y siete, y real cedula de seis de Febrero de mil ochocientos diez y ocho, y á las ordenes é instrucciones que arregladas á su tenor le comunicase S. E. por un cartas misivas, las cualesqueira tubiesen tanta fuersa y validacion como si estuviesen espresa y terminantemente comprendidas en dicho poder especial y general, facultandole igualmente S. E. para quede en cuentas y viergo pudiere constituir, de dio poder en uno ó mas sujetos para lo *lo* el caso ó particular de administrar y poblar los mencionados terrenos, revocando unos constitutos y nombrando otros de nuevo, siendo concerniente el referido poder para que pudiese y tomase cuentas á la persona ó personas, companias, cavildos, concejos, asi mismos facultad para que en cuanto en enjuicien lo pueda sostituir, en quien ó quienes le parecien, revocando en su caso unos y nombrando otros. Que posteriormente y con fecha cinco de Marzo de dicho año de mil ochocientos diez y ocho, ante mi, el infrascripto secretario, escribano de S. M., y competente numero de testigos, á virtud de la referida real gracia y cesion concedida por S. M.; otorgaran una escritura de convenio y sociedad entre el ex'mo Sr. Duque de Alagon compareciente, y el Don Nicolas Garrido, comprensiva de siete clausulas ó condiciones relativas á la direccion, manejo, y govierno de los expresados terrenos incultos, en poblacion y distribucion de los

fondos y *lonsdoles* que pudienen producir, obligandose por ellas á cumplir la pactado y stipulado entre si, siendolo entre otras cosas por la septima que cuentas cantidades de dinero metalico sonante á otras especias, perciviere el Don Nicolas Garrido, en virtud de los poderes generales que quedan referidos ordenes é instrucciones que le hubiese dado S. E., bien fuere por razon del terreno ó terrenos que vendiese en la Florida oriental, sin productos, ó vendicientos, ó otro motivo, fuere el que generalos habia de tener precisamente á orden y disposicion de S. E. en la misma especie en que lo hubiese percivido, deduciendo el imposte de gastos de comision si otro desembolso legitimo que hubiere hecho Garrido, en virtud de las facultades con que le revestio S. E., y por lo mismo mediatemente que reciviere ordenes, instrucciones, ó letras de S. E., en que dispusiere del leguido haver que resultare en su favor ó parte de el verificasia su entrega religiosamente al sujeto ó sujetos que S. E. le designare, vajo de las formalidades de estilo, concenitiendo que si asi no lo cumpliere se procediese acto seguido contra el y sus vienes, havidos y por haber, ejecutivamente y por la via mas breve y sumaria, que hubiese lugar en derecho hasta que tubiese efecto el percivo y cobranso de cuanto apareciere en su contra y favor de S. E. por resultado se dicha comision, siendo asi mismo de su menta y *vesgo* los damos costas y perjuicios que con dicho motivo se orijinaren á S. E., cuya liquidacion defino en su juramento ó de quien en causa ó poder, hubiere relevandole de otra prueva, confiriendo á S. E. amplio poder y facultad para que embrase ejecutos á la esaccion de la referida cantidad á donde el Don Nicolas Garrido tubiere bienes, con el salario acostumbrado, por cuyas costas, salarios, y perjuicios, se habia de hacer la misma ejecucion, tranco, y remate de bienes, y su pago que por la cantidad principal; obligandose á no pedir torsa ni moderacion, renunciando las leyes que sobre ello puedan favorecido, reciviendole como por sentencia definitiva y facultando competemente á las justicias, ayuntamientos, y demas que correspondiese, haciendoles cargo de toda aquello que conceptuare devia hacerlo, aprovandolas usa y llanamente siempre, que las encirntrase arregladas, y que no lo estando las pusiere los agrarios que contuviesen que seguira hasta que quedasen sin ellos, nombrando *cro* en caso contador ó contadores tenen su discordia ó de oficio en reveldia, dando de cuanto perciviere y cobrare á favor de quien conviniere los recivos cartas de pago finiquitos, lastos, y demas resguardos que le pidieran y fueren de dar, con fé de entrega; siendo de presente ó renunciando las leyes que tratan de la materia sino fuere. Asi mismo le confirio poder S. E. para que las cosas y casos que buenamente no pudiera convinar y transijir con calesquiera persona, corporacione ó autoridades las comprometiese en su caso en jueces, arbitros, arbitradores, y amigables companedores, haciendo que las otras partes ejecutaren lo mismo; y finalmente, cedio y confirio poder y facultad para que si en razon de lo referido cada cosa ó parte fuere preciso occurir en juicio á nombre de S. E., lo ejecutare en las jusgados y tribunales, superiores, inferiores, eclesiasticos, militares, y civiles, que correspondiere, haciendo y presentando pedimentos, memoriales, represen-

taciones, requisimientos, citaciones, oposiciones, testigos, instrumentos, tachas, contradicciones, demandas sus contestaciones, protestas, juramentos, recusaciones, que en prueva ó fuera de ella ofreciese y practicase la que creyere util y conveniente á los derechos de S. E., pidiendo ejecuciones, prisiones, salturas, embargos y disembargos de vienes, su venta tranco y remate, con posecion y amparo, oyendo autos y sentencias interlocutorios y definitivas, consintiendo las favorables, y apelando y suplicando de las adversas, para ante quien con derecho correspondiese; siguiendo las tales apelaciones y suplicas en todas instancias y tribunales, ganando y obteniendo reales provisiones, cedulas, y todo genero de despachos que havia llevar á pura y devida ejecucion; haciendo y practicando asi mismo á nombre de S. E todos las demas actos y diligencias que judicial y estrajudicialmente se requirieren. Y el Señor Duque otorgante havia y practicaria por si, hallardose presente pues el poder que para todo necessitare el citado Don Nicolas Garrido el mismo cedio y confirio S. E., con ninguna limitacion con todas sus incidencias, dependencias, anecsidades y conecsidades, libre, franca, y general administracion, relevacion, y obligacion, que segun derecho hizo de haberlo por firme, con poderio y sumision á las justicias y autoridades competentes, que de sus causas y negocios pudiesen y deviesen conocer á cuyo fuero y juridiccion, y al de cada uno in solidum se sametia, con renunciacion del suyo proprio jurisdiccion, domicilio, y vecindad, leyes, fueros, y derechos de su favor, con la general de ellas en forma; dandole para que como á tal trataren y procediesen en el asunto. Que con dichos poderes se constituyo en la ciudad de la Habana, y San Agustin de la Florida, el nominado Garrido, y precedido el devido cumplimiento y tenia consecuente á lo resulto por S. M., tomo posesion real, corporal, vel cuasi, y en forma, de los citados terrenos incultos, cedidos por el Rey, nuestro señor, en la Florida oriental, en el dia veinte y siete de Junio de dicho año de mil ochocientos diez y ocho, segun hizo constar por documento fealmente, de que hizo remision, y sin embargo animado S. E. de los mejores sentimientos á que todo tubiese cumplimiento, quesiendo que su representante Garrido no cavierese de autorisacion alguna, ni de las facultades que fueren necesarias para llevar á devido efecto cuanto le tenia comunicado sobre el particular é incidencias que pudieren sobre venir sin servisto, revocar, suspender, ni limitar de modo alguno el todo ni la mas universa cosa de las facultades que le tenia conferidas al referido Don Nicolas Garrido, por el poder general de veinte y siete de Febrero de mil ochocientos diez y ocho, que queda referida, otorgo otro mas amplia y general, ante mi, el ynfrascripto escribano, con fecha en esta villa á diez y siete de Mayo de mil ochocientos diez y nueve, por el que instancialmente no solo confirme y ratifico el anterior, sino que á mayor abundamiente quiso y despueso autorisarlo como le autorizecido cuantas facultades fueren necesarias á llevar á coluno cuanta le *le* tenia comunicado en el asunto é incidentes que pudieren ocurir, quesiendo que por falta de alguna fuere la que quisiese, y aunque no fuere espresada, no dejare de tener efecto cuanto instacione acordare ó contrajere sobre dicho punto

el citado Garrido pues lo que fuere lo aprovara S. E. en iguales terminos que si por si mismo lo hiciera, pues al intento le dara y conferia los mas amplios y generales poderes. Que *tecorevido* presente S. M. al conceder dicha graciaran interesanto, *hera* al estado que se dieren á grandes capitalistas los terrenos incultos, con el fin de que se poblasen y cultivaran que era el principal objeto del Rey, nuestro señor, por las considerables ventejas que en ello resultaran, tan luego como el ex'mo Señor Duque compareciente acepto, dicha cesion empeso á conferencia y conferencio largamente con Don Ricardo S. Hackley, vecino de Richmond, en Virginia, en los Estados Unidos de America, residiendo en aquella epoca en esta corte, asi en rason de los medios, modo, y forma de realisar el desmontes y limpia de parte de dicho terrenos, para su aguida emprender la re-edificacion de edificios, y consiguiente poblacion, como sobre la introduccion de negros, que para ello se hacia indispensable y cuantiosos desembolsos, que habia que hacer sobre lo cual el Don Ricardo S. Hackley, vajo la denominacion de Ricardo S. Hackley y compania, precento uno pliego de condiciones vajo de ciertos vases, con fecha primero de Enero de mil ochocientos diez y ocho, y aunque en la mayor parte estaban conformes y convenidos no llego el caso por entonces de que se elevare á escritura publica lo convenido y tratado, y por lo mismo asi las cosas, y sin perjuicio de continuar como continuacion, confereciando sobre ello con el plausible objeto de que á la mayor posible brevedad tubieren en parte las justas y veneficas intenciones de S. M., su devido cumplimiento el Señor Duque compareciente, animado de iguales sentimientos, confirio con fecha veinte y siete de Febrero de mil ochocientos diez y ocho, los poderes, generales y especiales, al Don Nicolas Garrido que quedan estados para que tomare posesion, administrare, vijiere, y governare los espresados terrenos incultos y cedidos por S. M. por la real orden de diez y siete de Diciembre de mil ochocientos diez y siete; que haviendo continuado conferenciando largamento el Señor Duque compareciente, y el Don Ricardo S. Hackley, por si, á nombre de su compania, sobre la avenencia y convenio de las vases sobre que no dava el plan de fecha primero de Enero de mil ochocientos diez y ocho, despues de varias discusiones, teniendo presente S.E., las particulares circunstancias y vastos conocimientos en la materia de que se trata, que concurrian en dicho Dn. Ricardo S. Hackley, partiendo del principio de dicho plan ó pliego de condiciones, convinieron en que S.E. cediere parte de los nominados terrenos al Dn. Ricardo S. Hackley y compania, y á su virtud por escritura, que con fecha veinte y nueve de Mayo de mil ochocientos diez y nueve, otorgó ante mi, el infrascripto escribano, y competente numero de testigos, cedio, renuncio, y traspaso S.E., é hizo gracia y donacion, pura, perfecta, é irrevocable, entre vivos para siempre jamas, por si y á nombre de sus hijos, herederos, y subcesores, á favor del nominado Don Ricordo S. Hackley y compania, domiciliado en Richmond, en los Estados Unidos de America, todo el terreno que este comprendido desde la embocadura del rio Amarima, por su orilla derecha hasta las fuentes de este rio, tirando una linea al rio San Juan,

y subiendo por la isguierda de este mismo rio hasta la laguna Macaco, y desde la puntos del sur de este laguna, tirando una linea recta á las fuentes del rio Hijuelos, vajando por su orilla derecha hasta la embocadura del mar, continuando por la costa, con sus yslas adjacentes, hasta la embocadura del rio Amarima, cuyos terrenos con de los comprendidos en la gracia de cesion hecha á S.E. por el Rey, nuestro señor, por la real orden de diez y siete de Diciembre de mil ochocientos diez y siete, revocandose en si el ex'mo Sr. Duke compareciente por la referida escritura en todo dominio y propriedad, todos los demas puntos y terrenos que en ella no hiban espresamente determinados ni cedidos por dicho instrumenta, asegurando al proprio tiempo S.E. que lo cesion que dejara hecha al nominado Don Ricardo S. Hackley y compania, heva de su libre y espontanea voluntad, para si, sus hijos, herederos, y subcesores, á quien lejitimamente le representan, en consideracion á las ventajas que se prometia y podra sacarse en el modo y forma de realizare la limpia, desmonte, y poblacion, punto que tanto interesa á nuestro govierno, y que habia ofrecido realisar incontinente el citado Dn. Ricardo S. Hackley y compania, conforme al citado plan de condiciones de primero de Enero de mil ochocientos diez y ocho. Que con motivo de las turbulencias politicas que procedieren y subsiguieron al memorable y desgraciado dia siete de Marzo de mil ochocientos veinte, tubo que salir S.E. de esta corte, confiriado á la plasa de Bilbao, precedido de haber conferido las mas amplias é ilimitados poderes generales, con fecha doce del mismo mes y año, á Dn. Vicente Murillo y Monte, vecino de esta corte, y secretario contador de la empresa del real canal de Manzanares, por ante mi, el ynfrascripto secretario, escribano de S. M., y que cuando el referido Don Vicente Murillo de las facultades amplias que por el se le conferian en union con Don Gregorio Gonzales de Araola, residiendo en esta muy heroica villa, y representante del referido Don Ricardo S. Hackley, domiciliado en Richmond, en los Estados Unidos de America, á virtud del papel de sociedad, firmado por ambos con fecha diez de Abril de mil ochocientos diez y ocho, por escritura que otorgaron á nombre de sus respectivos principales, con fecha treinta de Junio del referido año de mil ochocientos veinte, tambien ante mi, el infrascripto, con referencia de todo lo que ya queda anunciado y con especialidad á la escritura de cesion de cierta porcion de terrenos hecha por S.E. á favor del nominado Don Ricardo S. Hackley y compania, con fecha veinte y nueve de Mayo de mil ochocientos diez y nueve, declarando que le estado cesion la hizo S.E. al Don Ricardo S. Hackley y compania en los terrenos contenidos en la citada escritura mas convenidos ambos reservadamente en que mas adelante, y por medio de la correspondiente escritura se habia de hacer cuatro partes de los terrenos cedidos á S. Hackley, á saver, el primero que habia de ser exclusivamente para el ex'mo Sr. Duque de Alagon compareciente lo havia de componer desde la embocadura del rio Hijuelos, subiendo hasta la laguna Macaco, y desde esta por el rio San Juan hasta el frente de las fuentes del rio Romano, y vajando por este á la orilla isquierda de la bahia Carlos, y la linea de la costa hasta la embocadura del rio Hijuelos,

y las tres cuartas partes de terrenos, y de las cuales se habia de hacer precisamente tres suertes ó partes iguales lo correspondiran desde la bahia Carlos, subiendo por el rio Romano hasta el rio San Juan, y vajando por este á la laguna Valdes, y desde esta tirando una linea á las partes del rio Amarrima, vajando por el hasta su embocadura en demas, y corriendo la linea de la costa hasta la bahia Carlos, y que estando como estevan conformes y convenidos en realisar dicha particion, division, y adjudicacion, y mas estuvido de todo de Don Gregorio Gonzales Azaola, no solo por las ordenes é instrucciones que á no partido de España suministro el Don Ricardo, sino á las que ultimamente habia recivida por sus cartas universas y á su virtud usando de ellas y las facultades que por el mismo le estavan conferidas y tenia aceptadas por el papel de sociedad, su fecha diez de Abril de mil ochocientos diez y ocho, y el Don Vicente Murillo y Mont de las que le tenia delegadas su principal, el ex'mo Señor Duque compareciente, por sus poderes de doce de Marzo de mil ochocientos veinte, lo verificason efectivamente par los referida escritura de treinta de Junio, componiendo la parte ó porcion correspondiente al ex'mo Sr. Duque compareciente los terrenos que ya le quedaran designados, y que el reste correspondia desde la bahia Carlos, subiendo por el rio Romano hasta el rio San Juan, y vajando por este á la laguna Valdes, y desde esta tirando una linea á las fuentes del rio Amarrima, vajando por el hasta su embocadura en el mar, y corriendo la linea de la costa hasta la bahia Carlos, habian de componer tres suertes ó partes iguales, dedicando y adjudicando una precisamente para los gastos y desembolsos que indispensablemente hay que hacer en llevar á efecto la limpia, desmonte, y consiguiente poblacion, y llenar con ello las intenciones del Rey, nuestro Señor, manifiestas bien terminantemente en la real orden de diez y siete de Diciembre de mil ochocientos diez y diete, por la que S. M. tubo á bien hacer cesion de dichos terrenos al referido Señor Duque; otra parte para el Don Ricardo S. Hackley y compañia, y el otorgante Don Gregorio Araola; y la restante para Don Antonio Novieja, vecino de esta corte, en consideracion á la gratitud que le merecia y merece S. E., tanto por las constidades que le és en dever, como por los conocimientos que le habia suministrado para el mejor ecrito de la empresa de la gracia, y que habia ofrecida continuarlos hasta que todo que dare corriente, y solventado, conveniendose al mismo tiempo por dicha escritura en que por ahora continuare el Don Ricardo S. Hackley y compania administrando, vijiendo, y governando, por si, ó como mejor le pareciese, los terrenos que le fueron cedidos por S. E. por la escritura de veinte y nueve de Mayo de mil ochocientos diez y nueve, componentes las cuatro partes que quedan designadas respeto la suma confianza que de el tienen y particulares circunstancias y vastos conocimientos de que se halla adornado en la materia, estando muy satisfechos de que á su tiempo dara la devida cuenta de la direccion ó invercion de todo, y á mayor abundamiento el Don Gregorio Azaola, por si, y á nombre de su principal, el Don Ricardo S. Hackley y compañia, renuncio, se separo, desistio, y aparto, del derecho y accion que tenia y habia adquirido por la referida escritura

de veinte y nueve de Mayo de mil ochocientos diez y nueve, á los terrenos que por ella le fueron cedidos, aceptando, adquiriendo, y pasanda solo á su poder una de las tres cuartes partes de terreno que quedava designado, que dando por consecuencia en esta parte vota de ningun valor, y tal como sino escritura ni menos se hubiere otorgado la nominada escritura de veinte y nueve de Mayo de mil ochocientos diez y nueve, y que solo se tubiese por firme, segura, y subsistente, la citado de trienta de Junio de mil ochocientos veinte, la cual aceptaron por si, y á nombre de sus respectivos principales, no solo los otorgantes de ella Don Vicente Murillo y Monte y Don Gregorio Gonzales Azaola, sino el Don Antonio Novieja, que se hallo en el acto presente, tal y en la conformidad que en la mismo se referia, entendiendose la respectiva cesion que quedara hecha con todas las entrados y salidas de los terrenos, usos, costumbres, derechos, y servidumbres, que hasta entonces habian tenido y de hecho, y por derecho le habian correspondido al referido ex'mo Sr. Duque compareciente, para que cada uno respectivamente *dispencia* de ello como cosa suya adquirida por justo y legitimo titulo como lo heva dicha escritura, asegurando el Dn. Vicente Murillo y Monte, á nombre de su principal, el Señor Duque, que por las causas y rasones sentadas le tocaban y pertinecien dichos terrenos, de los cuales no tenia hecha otra cesion que la que en parte quedara anulada por la mismo escritura de treinta de Junio, nó menos estaban sujetos ni responsables á ninguna cargo ni gravamen, sobre lo cual no tenia lo menos nocion, dandose enteramente poder y facultad para que cada uno de por si dispusiere de su parte como mejor le pareciese, obligandose á su observancia y cumplimiento con sus bienes y vastas, presentes y futuros. Que en uso de las facultades y demas pactado por la referida escritura de treinta de Junio de mil ochocientos veinte, el Don Antonio Noviega, por si, y á nombre de sus hijos, herederos, y subcesores, cedio, renuncio, y traspaso, de su libre y espontanea voluntad, para siempre jamas, la parte de terreno que habia adquirido por las causas y rasones que quedan sentadas en la referida escritura de triente de Junio, á favor de Don Vicente Murillo y Monte, y el infrascripto secretario, Don Roman Lorenzo Calvo, por otra escritura de siete de Enero de mil ochocientos veinte y uno, otorgada en esta corte ante el escribano de S. M. y del ilustre colejio de ella, Don Miguel Calvo Garcia, haviendo hecho dicha cesion y renuncia en consideracion á quedar responsables y obligados los uso dichos á veintegras y satisfacer al citado Novieja en dinero efectivo metalico la suma que segun cuentas ajuntadas hasta aquella fecha se hera en dever el señor Duke compareciente, y de que ya tenian entregado alguna porcion á cuenta, y estendido de ello por separado de correspondiente papel de obligacion, firmado por los tres con la misma fecha, en cuya conformidad y vajo de dicho obligacion aceptaron los suio dichos la espresada cesion y renuncia. Que penetrado S. E. de que por rason de las circunstancias politicas que sobrevinieton y reclamationes respectivas que intentavan sobre los terrenos cedidos en las Floridas entre el Govierno Español, y el de los Estados Unidos de America, no habia aun podido tener efecto en todas sus partes la gracia y cesion hecha por

S. M. por real orden de diez y siete de Diciembre de mil ochocientos diez y siete, considerando por una parte que segun el estado de las cosas devia entenderse y conduirse esta punto entre ambos goviernos, y otra que en las permanencia en aquellos dominios del Don Nicolas Garrido se originaran á S. E. cuantiosos desembolsos, y ninguna utilidad despues de haber reflecionado con la mayor attencion sobre todos y cada uno de los particulares, bien examinado todo, y conciliando la mayor economia, tomando en consideracion las cuantiosas sumas que ya llevaba y lleva desembolsados para poner en planta dicha gracia determino poner en suspenso al Dn. Nicolas Garrido del uso de los poderes que le tenia conferidas, é instrúcciones y ordenes que le tenia comunicadas y conferir se las al ex'mo Señor Marques de Casa Bancos, de la fidelidad de la Habana, y asi verifico uno y otro por instrumento otorgado en la villa de Bilbao, en el mes de Junio del referido año de mil ochocientos veinte, por el que revoco, anulo, dio, por nulos de ningun valor ni efecto, en cuanto al referido Don Nicolas los poderes que quedaro referidos otorgados á su favor, como igualmente las ordenes é instrucciones que sobre el particular le hubiere dado y comunicado S. E., á fin de que no usare ni pudiere usar mas de ellos, en todo ni parte alguna, quedando por consecuencia en libertad dicho Garrido para requisar á España cuando viese carmenor le principalmente luego que hubiese hecho formal entregade lo concerniente á este encargo, quesiendo que todo fuere y se entendiere como si estuviesen dados y conferidos á favor del citado ex'mo Señor Marques de Casa Ramos de la fidelidad de la Habana, con quien desde aquellos fecha devia entenderse todo lo perteneciente y que digere relacion á la gracia y cesion de los terrenos inculto en la Florida oriental, hecha por S. M. al ex'mo Sr. Duque de Alagon compareciente, por el real decreto de diez y siete de Diciembre de mil ochocientos diez y siete, pues al efecto no solo declarava S. E. que las poderes conferidos á Garrido á la manera que en cuanto á este que davan en todo en fuera y vigor para con dicho ex'mo Sr. Marquese de Casa Ramos, sino que penetrado de las particularisimas circunstancias de amistad, y otras que en el concurrian para con S. E. le confirio á mayor abundamiento los mas amplios é ilimitados poderes generales y especiales, con cuantas facultades, requisitos, y circunstancias pudiere necesitar al intento que queda relacionado, confirmando, y ratificando á este fin cuantava espresido por lo respectivo á Garrido en los poderes que le confirio S. E., con fechas veinte y siete de Febrero de mil ochocientos diez y ocho, y diez y siete de Mayo de mil ochocientos diez y nueve, como si alli lo estuviese para con el nominado ex'mo Señor Marques de Casa Ramos, entendiendose á mayor abundamiento dichos poderes para que residenciare, pidiese, y tomase cuentas dicho señor al citado Don Nicolas Garrido, ó cualesquiera otro sujeto que correspondiese, haciendoles cargo de cuanto hubiesen tenido al suyo correspondiente al ex'mo señor compareciente, tanto por lo respectivo á dicha gracia de los terrenos inculto de la Florida oriental, cedidos por S. M., y uso que hubiere hecho de los poderes que al efecto se le confirieson como por la tocante á la escritura

de sociedad y convenio que otorgaron entre si, con fecha cinco de Marzo del referido año de mil ochocientos diez y ocho, aprovandolas caso que las encontrarse arregladas y que no lo estando las pusiere las agrarias que contuviese, continuandolos hasta que quedaren sin ellos, para lo cual y calesquiera otra cosa si fuese preciso acudir ante las justicias, autoridades, y magistrados, inferiores y superiores, civiles, eclesiasticos, y militares, que correspondiese, tuviere, y presentare pedimentos, representaciones, y cuantos actos, pasos, y diligencias, que judicial ó entra judicialmente, se requisieren, hasta que todo tubiere cumplido efecto pues á este fin quiso el ex'mo señor Duque compareciente, que dicho Señor Marques de Casa Ramos no solo tubiese todo de lleno de facultades que estaban cometidas en los poderes conferidos á Garrido, y espresados y ratificados ultimamente sino todas las que pudiese necesitar, sin que por falta de espresion ó clausula que en el no fuerar contenidos, no por eso dejare de sueter todo su efecto cuanto hiciere practicare y otorgare, pues lo que fuere desde entonces para cuando llegare el caso aprovara lo avas y ratificava S. E. como si personalmente lo hiciese por si, declarando, como declaró, asi mismo el señor Duque que la medida de separar á Garrido del uso de las poderes que le tenien conferidos heva solo por rason de las circunstancias que van manifestados y consultando la mayor economia respecto la situacion, en que en aquella epoca se encontravase las cosas politicos y la persona y casa de S. E.; y por lo mismo no le podia errogar el mas leve perjuicio en su honor y reputacion. Que restituida las causas politicos al estado que tenian antes del memorable dia, siete de Marzo de mil ochocientos veinte, y por ello reglesado á esta corte desde la villa de Bilbao, en que estuva confiriando el ex'mo Señor Duque compareciente, y este con noticios de cuan altamente habia correspondido el ex'mo Señor Marques de Casa Ramos, á la confiansa que en el deposito por los amplios poderes que á su favor otorgo en la referida villa de Bilbao, en el citado año de mil ochocientos veinte, determino S. E. despues de un maduro ecsamen y refleccion no solo confirmar y ratificar dichos poderes con la revocacion ó suspension del uso de ellos que incluyen con respeto el citado Don Nicolas Garrido, sino los poderes generales que con fecha doce de Marzo del referido año de mil ochocientos veinte, dio y conferio á favor del nominado Don Vicente Murillo y Monte y cuanto este habia hecho obrado y practicado ó en virtud é igualmente la escritura de cesion de terrenos que con fecha veinte y nueve de Mayo de mil ochocientos diez y nueve, habia otorgado á favor de Dn. Ricardo S. Hackley y compania en la parte que por la otra escritura de declaracion de treinta de Junio de mil ochocientos veinte, no quedava derogada, ni anulada, y todo lo demas anecso á ella como asi se verifica todo por medio del competente instrumento que por ante mi, el ynfrascripto secretario, notario de los reinos, otorgo el ex'mo Señor Duque de Alagon compareciente, con fecha en esta muy heroica villa de Madrid, á diez de Febrero de mil ochocientos veinte y cuatro, por el que confirmo y ratifico en primer lugar la escritura de cesion de cierta porcion de terrenos de los incultos en la Florida oriental de que

S. M. le hizo gracia y cesion por el real decreto de diez de Diciembre de mil ochocientos diez y siete, otorgada por S. E. y ante mi, el infrascripto secretario, con fecha veinte y nueve de Mayo de mil ochocientos diez y nueve, á favor de Don Ricardo S. Hackley y compania, vecino de Richmond, en Virginia, en los Estados Unidos de America, en la parte que por la otra escritura de declaracion, particion, y division de dicha porcion de terreno de treinta de Junio de mil ochocientos veinte, no queda desegada ni anulada, en segundo lugar satisfier y confirmo S. E. los poderas amplios y generales que con fecha doce de Marzo del referido año de mil ochocientos veinte, dio y confirmo por ante mi, el ynfrascripto, al nominado Don Vicente Murillo y Monte, y á mayor abundamiente le amplio ó cuantas clausulas, requisitos, y circunstancias, pudiere necesitar en terminos que heva la voluntad, espresa y terminante, de S. E., que por falta de espresion ser quedase de suertes efecto cuanto á su virtud tambien hecha y practicada para cuyo caso le dava por espresado y contenidor; en tercer lugar, aprovo y ratifico as mismo S. E. las escrituras que con fecha treinta de Junio de mil ochocientos veinte, otorgo ante mi, el ynfrascripto, el citado Don Vicente Murrillo y Monte, en nombre y representacion de S. E., y como su apoderado general de una parte, y de la otra Don Gregorio Gonzales de Araola, como representante á el efecto del Don Ricardo S. Hackley y compania, de Richmond, por lo cual declarando la cesion hecha á favor de este por la nominada escritura de veinte y nueve de Mayo de mil ochocientos diez y nueve, *creion* cuatro partes de la posesion de terrenos comprendidos en ella, á saver, una para el ex'mo Sr. Duque de Alagon otorgante, otra para los gastos y desembolsos que indispensablemente habia que hacer en llevar á efecto la limpia, desmonte, y consiguiente poblacion, y llenar con ello las justas y savias intenciones de S. M.; otra para el Don Ricardo S. Hackley y compania, y el nominado Don Gregorio Gonzales Azaola; y la cuarta y ultima para Don Antonio Novieja, vecino de este corte, enconsideracion á la gratitud que le merecia S. E., tanto por las cantidades que le era su dever á aquel, como por las ideas, instrucciones, y conocimientos que la habia suministrado para el mejor ecrito de la empresa de la gracia, y oferta que tenia hecha de continuarlos hasta que todo quedarse corriente y subventado, entendiendose dicha ratificacion y confirmacion tal y como si S. E. mismo lo hubiese pactado y otorgado, pues que todo hiza conforme y areglado á la convenido, tratado, y pactado, con el nominado Don Ricardo S. Hackley y compania, antes y en el acto del otorgamiento de la referida escritura de veinte y nueve de Mayo, aunque no se espreso en ella por ciertas miras y causas de politico y conveniencia reservada por entonces satisfaciendo tambien á mayor abundamiento y para si en su caso fuere necesario y preciso la escritura que con fecha siete de Enero de mil ochocientos veinte y uno, otorgo en esta villa ante el escribano, notario de los reinos, Miguel Calvo Garcia, el citado Don Antonio Novieja, por la cual cedio, renuncio, y traspaso, este para siempre jamas, y por las razones y causales que en ella espresan la parte de terrenos incultos de la Florida oriental que

habia adquirido por la escritura de treinta de Junio de mil ochocientos veinte, á favor de Don Vicente Murillo y Monte, y del infrascripto secretario, escribano de camara, Don Roman Lorenzo Calvo; y finalmente confirmo y ratifico S. E. la revocacion ó fuere suspension de uso de los poderes generales y amplisimos que con fechas veinte y siete de Febrero, de mil ochocientos diez y ocho, y diez y siete de Mayo de mil ochocientos diez y nueve, dio y confirio al Don Nicolas Garrido como tambien las ordenes é instrucciones que le tenia dadas y comunicadas para la administracion, direccion y govierno de los terrenos incultos que en la Florida oriental le fueron cedidos por S. M., confiriendo asi mismo nuevamente al ex'mo Señor Marques de Casa Ramos de la fidelidad de la Habana, los mas amplios é ilmitados poderes, con cuantas facultades, requisitos, y circunstancias pudiese necesitar, dando por la mismo alle por reproducidas las contenidas en las referidas poderes de veinte y siete de Febrero de mil ochocientos diez y ocho, y diez y siete de Mayo de ochocientos diez y nueve, que quedaran anuladas ó suspensos con respecto al espresado Don Nicolas Garrido, quesiendo el Señor Duque compareciente que en cuanto al ex'mo Sr. Marques de Casa Ramos, fueren firmer y validosos y tal como si en aquel acta y con direccion á el se estendieran y estamparan en el citado instrumento de diez y siete de Febrero de mil ochocientos veinte y cuatro, siendo ademas estensivo para que tomase cuentas á dicho Garrido y á cualesquiera otra persona que correspondiese vajo de los requisitos que van espresados, y demas que estimase aprovandolas de las encontrase arregladas, como asi bien cualesquiera venta ó enajenacion de alguna porcion de los espresados terrenos que á virtud de dicho poderes hubiese hecha el citado Garrido, siempre que las hallase y encontrase arregladas al espiritu y facultades de los mismos, perciviendo su importe y cualesquiera otra cantidad que por cualquier motivo fuere el que genera, y aunque no se espresan correspondiese al Sr. Duque compareciente dando de cuanto perciviere y cobrare á favor de quien conviniere los recivos cartas de payo finiquitos lastos y cuantos resguardos le fueron pedidos y sean dedar con fé de entrega, siendo al presente ó renunciacion de sus leyes no lo siendo con las demas facultades necesarias y de estilo y sin limitacion alguna. Que asi las cosas y sin haber conseguida hasta ahora S. E. ningun remitado *feber* en particular en medio de sus derechos y afaires para realisarlo occurio el fallecimiento de su apoderado general, el ex'mo Señor Marques de Casa Ramos, de la fidelidad de la Habana, y estando por esta rason paralizada la mandia y direccion de tan importante negocio, se le ha proporcionado tratar y conferenciar acerca del particular con Dn. Ramon Pinto y Lopez, residente actualmente en esta corte, y domiciliado en la ciudad de la Habana, y despues de largas conferencias, y precedido de un madura examen, se han convenido y acordado entre si, no solo que el ex'mo Sr. Duque de Alagon compareciente de y otorgue las mas amplias generales é ilimitados poderes á favor de Don Ramon Pinto y Lopez, que este esta promito á aceptar relativos á la direccion, administracion, y marcha de la apresada gracia, sino que á mayor abundamiento han

acordado formar entre si una sociedad unitiva para realisarlo con mayores ventajas, vajo de ciertos pactos y condiciones que adelante se refiriran, con tal que sobre todo se formalia la competente escritura con los resquisitos necesarios á lo que estan respectivamente prontos, y á su virtud poniendole en ejecucion por la presente en la via y forma que mas haya lugar en derecho, ciertos y seguros del que en presente caso á cada uno compete; otorgan, que el ex'mo Sr. Duque de Alagon da y confiere todo sa poder, cumplido, amplio, general, especial, y tan bastante cual por derecho, se requiera á favor del nominado Don Ramon Pinto y Lopez, residente actualmente en este corte, y domiciliado en la ciudad de la Habana, con las propias clausulas, facultades, requisitos, y circunstancias que se sirvio dar y confirir S. E., ási al nominado Don Nicolas Garrido, como al ya defunto ex'mo Sr. Marques de la Casa Ramos, de la fidelidad de la Habana por los respectivos poderes que van relacionadas, otorgados por ante mi, el ynfrascripto secretario, con fecha veinte y siete de Febrero de mil ochocientos diez y ocho, y diez de Febrero de mil ochocientos veinte y cuatro, las cuales da aqui por contenidas y reprodisados como si efectivamente lo estuvieran, y de las demas que al intento pueda necesitar para que á nombre de S. E., y representando en propria persona derechos y acciones, administre, dirija, rija, y govierna, los terrenos incultos esta en las Florida oriental que S. M. se hicio cederle en plena propriedad, para si y sus herederos, por la real cedula, firmada de la real mano, y refrendada por el Señor Don Estevan Varca, su secretario, y del consejo y camara de las Indias, con fecha en el real palacio dc esta corte, á seis de Febrero de mil ochocientos diez y ocho, escepto la parte ó partes que de los mencionados terrenos, y por las causas y rasones que van relacionados y reproduce estan ya cedidas y traspasadas asi al Don Ricardo S. Hackley y compania, de Richemond, y Don Gregorio Gonzales de Araola, como á Don Antonio Novieja, y de la cual dispueso y traspaso este por instrumento publica á favor de Don Vicente Murillo y Monte, y de mi, el ynfrascripto secretario, Don Roman Lorenzo Calvo, y que ha confirmado y ratificado S. E., y á mayor abundamiente lo hace ahora de nuevo para que tenga toda la fuersa y validacion necesaria, tomando sobre ello cuentas tanto al Don Nicolas Garrido, á quien le represente como á cualesquiera otro sujeto que deva darlas, aprovandolas estandas aregladas ó poniendolas los agrarios que contengan dando lo cuanto perciviere y sobrare á favor de quien convenga los recivos cartos de pagos, finiquitos, lastos, y cuantos resguardos le fueron pedidos, y siende dar con fée de entrega, siendo de presente ó renunciacion de sus leyes, no lo siendo otorgando sobre toda cosa ó parte las escritura ó escrituras convenientes con las clausulas, requisitos, condiciones, y circunstancias que por bien tuviese y en que se conviniere, las cuales desde ahora para entonces aprueva, loa, y ratifico S. E. como si, por si mismo, fueron hechas pactados y otorgadas, dandole igualmente poder y facultad S. E. para que si sobre ella ó alguna incidencia fuere necesario comparecer en juicio lo ejecute ante las autoridades, jueces, y tribunales que convenga asi superiores como inferiores,

haciendo y practicando cuantos pasos y diligencias, asi judiciales como extra judiciales, correspondan y con la calidad de que de sus cuentas y viergo lo puedo sostituir en todo ó en parte en el sujeto ó sujetos que le pareciese, revocar unos, sostitutes y nombrar otros de nuevo, pues el poder que para ello necesité el mismo le da y confiere S. E., con derogacion y revocacion espresa de cualesquiera otros que anteriormente tenga dados y conferidos, con todo sus incidencias, dependencias, anecidades y conecidades, libre franco y general administracion, relevacion y obligacion, que requier derecho, hace de haberlo por firme, con poderio y sumision á las justicias competentes, renunciacion de leyes de su favor, con la que prohive la general de ellas en forma. Y hallandose presente al otorgamiento de estos poderes el referido Don Ramon Pinto y Lopez enterado muy estimamente de todo de contenido, dijo: Que las aceptava y acepto en todo y por todo, y á mayor abundamiento dava y dio á su poder dante el ex'mo señor Duque de Alagon las mas atentas gracias por el honor y distinccion, con que en ello le honoraba; y en seguida quesiendo ambos compareciente llevar á puro y devido efecto la sociedad *mutra*, que entre si despues se un madura ecsamen, tienen acordado y convenido para la mayor y mas pronta marcha, direccion, administracion, y enajenacion en su caso de los espresados terrenos incultos sitos en la Florida oriental, cedidos por S. M. al señor Duque otorgante, por la real cedula de seis de Febrero de mil ochocientos diez y ocho en la parte que ya no estuviesen cedidos ó enajenados, elevandolo á escritura publica declaran en la mas solemne forma que las bases y condiciones en que sobre ello se han convenido con la siguientes:

1a. Que todos los gastos y desembolsos que en especie de dinero efectivo metalico haya que hacerse en las reclamaciones que se entablen para poner corrientes y á disposicion del ex'mo sr. Duque de Alagon otorgante, los terrenos incultos, sitos en la Florida oriental, cedidos en toda propriedad á favor de S. E., por S. M. el sr. Dn. Fernando septimo, (que esta en gloria) por la real cedula de seis de Frebero de mil ochocientos diez y ocho, han de ser precisamente por cuenta del otorgante Don Ramon Pinto y Lopez.

2a. Que el nominado Don Ramon Pinto y Lopez queda desde este momento autorizado en la mas solemne forma, por el ex'mo sr. Duque de Alagon otorgante, para que desde luego pueda ceder la parte que crea necesaria de dichos terrenos incultos (y que ya no lo estuviesen por las causas y rasones manifestadas en los precedentes poderes generales) para atender con el importe que producion al pago y satisfacion de costos y gratificaciones y demas gastos que occurran con motivo de dicha reclamacion ó reclamaciones.

3a. Y finalmente és condicion y en ello estan convenidos y conformes asi el ex'mo sr. Duque de Alagon, como el Don Ramon Pinto y Lopez otorgantes, que si establada ya dicha reclamacion ó reclamaciones de dicho terrenos incultos citos en la Florida oriental, acaheciese la desgracia de llamar Dios, nuestro señor, á mejor vida al ex'mo sr. Duque de Alagon, quiere S. E. que sus herederos y subcesores queden

obligados y sujetos á esperen el resultado final de la citada reclamacion, y sin la mas minoria facultad ni autorizacion para revocar las poderes generales que sobre el particular le llevadados y conferidos S. E. al Don Ramon Pinto y Lopez, ni menos puedan alterar ni modificar en lo mas leve lo convenido y pactado en este convenio y contrato hasta que quede totalmente finiquitado y concluido toda ves que ya estubiere emparada dicha reclamacion, cuando acaheciere semejante desgracia de fallecer S. E., sobre que este hace á dichos sus herederos el mas estrecho encargo, é impone la mas solemne prohivicion con encargo especial de que en semejante caso hayan de estar y pasar por las cuentas que el referido Don Ramon Pinto y Lopez les diere. Con cuyas clausulas, requisitos, y condiciones estar prontos á llevar á puro y devido efecto en todas sus partes este convenio y contrato, y á ello mutua y respectivamente se obligan á su cumplimiento con todos sus bienes y ventas, havidos y por haber, y para que en su caso se les compela á ello como se fuere, por sentencia definitiva de juez competente, pasada en autoridad de cosa jusgada, consentida y no apelada, que por tal lo reciven dan poder cumplido á las justicias y jueces de S. M., de cualesquiere partes que sean á cuyo fuero y jurisdiccion, y al de cada uno in solidum se sametio, renuncian el suyo proprio jurisdiccion, domicilio, y vecindad, leyes, fueros, y derechos, de su respectivo favor, con las que prohive la general de ellas en forma; en cuyo testimonio asi lo dijeron, otorgaron, y firmaron, á quienes yo, el infrascripto secretario, doy fé conosco, siendo testigos Don Lorenzo Linares, Don Juan Gomez, y Don Facundo Diaz Mantero, vecinos y residentes en esta corte. P. el Duque de Alagon, Baron de Espes.

RAMON PINTO Y LOPEZ.

Ante mi, ROMAN LORENZO CALVO.

Nota. Doy fé que en dicho dia dé copia á S. E. en dos pliegos del sello de ilustrer é intermedio del cuarto de á cuarenta maravedises.

CALVO.

Nota. Ygualmente doy fé que he dado iguales copias por duplicado y triplicado. Hay una rubrica.

Concuerda con el protocolo de escrituras publicas que como escribano, notario publico de los reinos, y del ilustre colegio de esta corte, pasaron ante mi en el año pasado de mil ochocientos treinta y cinco, en cuyo registro ocupa desde el folio treinta y tres al cincuenta y tres inclusive; el cual original queda en mi poder, de que doy fée, y á que me remito; y para que conste donde convenga en virtud de auto mandamiento compulsorio del señor Don Miguel Maria Duran, juez de primera instancia de esta muy heroica villa, su fecha ocho del corriente, refrendado del escribano del numero de ello, Don Santiago de la Granja, á pedimento del señor Don Severn Fakle Wallis, agente comisionado, y representante en esta corte del ex'mo señor Secretario del Interior del govierno de los Estados Unidos de America; yo, Don Roman

Lorenzo Calvo, del consejo de S. M., su secretario, escribano de camara, en el tribunal supremo de guerra y marina, notario de los reynos é yndividuo del ilustre colegio de esta corte, doy el presente, que signo y firmo en Madrid, á catorce de Enero de mil ochocientos y cincuenta. Enm'de, tres, de 17, vale.

[Flourish.]
ROMAN LORENZO CALVO.

Legalizacion. Los ex'mos de S. M., notario de los reynos y del ylustre colegio de esta corte, que aqui signamos y firmamos, certificamos y damos fé. Que el sr. Don Roman Lorenzo Calvo, por quien esta dado y autorizado el anterior testimonio, és como se titula secretario de S. M., su escribano de camara, notario de los reinos é yndividuo de dicho ylustre colegio, fiel, legal, y de todo confianza; y el signo y firmo estampados al pié de su puno y letra, y los que acostumbra en todas sus escritas á los que siempre se les ha dado y da entera fé y credito, judicial y extrajudicialmente. Y para que conste donde convenga damos el presente, sellado con el de nuestro colegio, en Madrid, á veinte y seis de Enero de 1850.

[Flourish.] [Flourish.] [Flourish.]

(Seal of the notarial college.)

JOSE PENOS Y MARTINO,
JUSTO MORAYTA,
JOSE DEL PINAL Y GONZALES.

D. Miguel Maria Duran, magistrado honorario de la audiencia territorial de Granada, y juez de primero insta. de esta villa de Madrid, &c., certifico, que los tres es'nos por quienes se halla legalizado el anterior documento, son legales y de confianzas, y merecen fé y credito en juicio y fuera de el; y por que conste doy la presente, que firmo en Madrid, á cinco de Febrero de mil ochocientos cincuenta.

MIG'L MA. DURAN.

Dros veinte y seis, &c.

Don Jose Francisco Morejon, regente de la audiencia territorial de esta capital, certifico, que D. Miguel Maria Duran, por quien esta puesta la anterior, és como se titula y la firma y rubrica con que la autorizason al parecer de su puno y letra, segun en sus escritos acostumbrada. Madrid, seis de Febrero, año del sello.

[SELLO.] JOSE FRS. MOREJON.

Don Lorenzo Arrazola, caballero gran cruz de la real y distinguida orden Española de Carlos tercero, y de la Americana de Ysabel la catolica, ministro de gracia y justicia, notario mayor del reino, &c., &c., &c., certifico, que Don Jose Francisco Morejon, por quien se halla autorizado el anterior documento és como se titula regente de la audiencia territorial de esta corte, y suyas al parecer la firma y rubrica que se hallan der final defiendo anadir á instancia de la parte interesada, que los notarios de esta corte no tienen sello sino signo, usando de

obligados y sujetos á esperen el resultado final de la citada reclamacion, y sin la mas minoria facultad ni autorizacion para revocar las poderes generales que sobre el particular le llevadados y conferidos S. E. al Don Ramon Pinto y Lopez, ni menos puedan alterar ni modificar en lo mas leve lo convenido y pactado en este convenio y contrato hasta que quede totalmente finiquitado y concluido toda ves que ya estubiere emparada dicha reclamacion, cuando acaheciere semejante desgracia de fallecer S. E., sobre que este hace á dichos sus herederos el mas estrecho encargo, é impone la mas solemne prohivicion con encargo especial de que en semejante caso hayan de estar y pasar por las cuentas que el referido Don Ramon Pinto y Lopez les diere. Con cuyas clausulas, requisitos, y condiciones estar prontos á llevar á puro y devido efecto en todas sus partes este convenio y contrato, y á ello mutua y respectivamente se obligan á su cumplimiento con todos sus bienes y ventas, havidos y por haber, y para que en su caso se les compela á ello como se fuere, por sentencia definitiva de juez competente, pasada en autoridad de cosa jusgada, consentida y no apelada, que por tal lo reciven dan poder cumplido á las justicias y jueces de S. M., de cualesquiere partes que sean á cuyo fuero y jurisdiccion, y al de cada uno in solidum se sametio, renuncian el suyo proprio jurisdiccion, domicilio, y vecindad, leyes, fueros, y derechos, de su respectivo favor, con las que prohive la general de ellas en forma; en cuyo testimonio asi lo dijeron, otorgaron, y firmaron, á quienes yo, el infrascripto secretario, doy fé conosco, siendo testigos Don Lorenzo Linares, Don Juan Gomez, y Don Facundo Diaz Mantero, vecinos y residentes en esta corte. P. el Duque de Alagon, Baron de Espes.

RAMON PINTO Y LOPEZ.

Ante mi, ROMAN LORENZO CALVO.

Nota. Doy fé que en dicho dia dé copia á S. E. en dos pliegos del sello de ilustrer é intermedio del cuarto de á cuarenta maravedises.

CALVO.

Nota. Ygualmente doy fé que he dado iguales copias por duplicado y triplicado. Hay una rubrica.

Concuerda con el protocolo de escrituras publicas que como escribano, notario publico de los reinos, y del ilustre colegio de esta corte, pasaron ante mi en el año pasado de mil ochocientos treinta y cinco, en cuyo registro ocupa desde el folio treinta y tres al cincuenta y tres inclusive; el cual original queda en mi poder, de que doy fée, y á que me remito; y para que conste donde convenga en virtud de auto mandamiento compulsorio del señor Don Miguel Maria Duran, juez de primera instancia de esta muy heroica villa, su fecha ocho del corriente, refrendado del escribano del numero de ello, Don Santiago de la Granja, á pedimento del señor Don Severn Fakle Wallis, agente comisionado, y representante en esta corte del ex'mo señor Secretario del Interior del govierno de los Estados Unidos de America; yo, Don Roman

Lorenzo Calvo, del consejo de S. M., su secretario, escribano de camara, en el tribunal supremo de guerra y marina, notario de los reynos é yndividuo del ilustre colegio de esta corte, doy el presente, que signo y firmo en Madrid, á catorce de Enero de mil ochocientos y cincuenta. Enm'de, tres, de 17, vale.

[Flourish.]
ROMAN LORENZO CALVO.

Legalizacion. Los ex'mos de S. M., notario de los reynos y del ylustre colegio de esta corte, que aqui signamos y firmamos, certificamos y damos fé. Que el sr. Don Roman Lorenzo Calvo, por quien esta dado y autorizado el anterior testimonio, és como se titula secretario de S. M., su escribano de camara, notario de los reinos é yndividuo de dicho ylustre colegio, fiel, legal, y de todo confianza; y el signo y firmo estampados al pié de su puno y letra, y los que acostumbra en todas sus escritas á los que siempre se les ha dado y da entera fé y credito, judicial y extrajudicialmente. Y para que conste donde convenga damos el presente, sellado con el de nuestro colegio, en Madrid, á veinte y seis de Enero de 1850.

[Flourish.] [Flourish.] [Flourish.]

(Seal of the notarial college.)

JOSE PENOS Y MARTINO,
JUSTO MORAYTA,
JOSE DEL PINAL Y GONZALES.

D. Miguel Maria Duran, magistrado honorario de la audiencia territorial de Granada, y juez de primero insta. de esta villa de Madrid, &c., certifico, que los tres es'nos por quienes se halla legalizado el anterior documento, son legales y de confianzas, y merecen fé y credito en juicio y fuera de el; y por que conste doy la presente, que firmo en Madrid, á cinco de Febrero de mil ochocientos cincuenta.

MIG'L MA. DURAN.

Dros veinte y seis, &c.

Don Jose Francisco Morejon, regente de la audiencia territorial de esta capital, certifico, que D. Miguel Maria Duran, por quien esta puesta la anterior, és como se titula y la firma y rubrica con que la autorizason al parecer de su puno y letra, segun en sus escritos acostumbrada. Madrid, seis de Febrero, año del sello.

[SELLO.] JOSE FRS. MOREJON.

Don Lorenzo Arrazola, caballero gran cruz de la real y distinguida orden Española de Carlos tercero, y de la Americana de Ysabel la catolica, ministro de gracia y justicia, notario mayor del reino, &c., &c., &c., certifico, que Don Jose Francisco Morejon, por quien se halla autorizado el anterior documento és como se titula regente de la audiencia territorial de esta corte, y suyas al parecer la firma y rubrica que se hallan der final defiendo anadir á instancia de la parte interesada, que los notarios de esta corte no tienen sello sino signo, usando de

aquel unicamente el colegio de los mismos. Y para que conste doy la presente, en Madrid, de ocho de Febrero de mil ochocientos cincuenta.

LORENZO ARRAZOLA.

Don Antonio Caballero, subsecretario del ministerio de estado, &c., &c., certifico, que D. Lorenzo Arrazola, por quien se halla autorizado el documento que antecede, és tal minister de gracia y justicia como se titula y suya al parecer la firma puesta al final. Y para que conste lo firmo en Madrid, á diez de Febrero de mil ochocientos cincuenta.

ANTONIO CABALLERO.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States of America, near the court of her catholic Majesty, do hereby certify, that the aforegoing instrument of writing, authenticated under his hand and notarial seal, by Don Roman Lorenzo Calvo, notary public of Spain, duly commissioned and qualified, is a true copy of the original public record in the official custody of said Calvo, from which he certifies that it is taken; and that the same has been so authenticated by him on the application of the Secretary of the Interior of the United States, under the acts of Congress of Feb'y 22d and 2d March, 1849, in virtue whereof I give these presents.

And I do further certify, that the certificate of said Calvo, and the several official certificates following and authenticating the same, are genuine as they purport to be, in due form, and from the proper officers.

Witness my hand and the seal of this legation, this eleventh day of February, 1850.

(Seal of legation U. S.)

D. M. BARRINGER.

And the defendant then read in evidence various passages, as follows, in the 1st, 12th, 13th, and 18th vol. of the Diario of the Cortes, and from the 1st vol., or No. 1, of the appendix to the same, which extracts are omitted for the transcript as being embraced by the agreement aforesaid.

Translation of Defendant's document No. 32.

In the city of Madrid, on the 29th May, 1835, before me, the undersigned secretary of H. M., escribano of the chamber, in the supreme tribunal of war and marine, notary of the kingdom and individual of the illustrious college of this city; and the witnesses hereafter mentioned, H. E. Don Francisco, Ramon de Espes Fernandez de Cordova y Alagon, Duke of Alagon, Baron of Spes, Count of Castel Florida, and other titles; Spanish grandee of the first class, captain general of the royal armies of H. catholic Majesty, knight of the noble order of the Golden Fleece, commander of Alamer Castilfavi in the military order of our Lady de Montesa, grand cross of the royal and distinguished Spanish order of Charles III, and of the military order of St. Hermenejilda of Spain, and St. Fernando of Naples, acting gentleman of H. M. bed

chamber, captain commandant and director of the royal corps of guards of the royal person of H. M. the Queen, our lady, protector of the enterprise of the royal canal of Manzanares, and of the royal veterinary school of this city, &c., &c., and said: That the King, our lord, Don Fernando, the 7th, (who is in glory) by royal order of the 17th December, 1817, deemed proper in answer to the petition which H. E. laid before him under date of the 12th July, of the same year, and in consideration of his distinguished merit and accredited zeal and adhesion to the royal service of H. M. and his sacred royal person, concede to him in full property, for himself and his successors, the uncultivated lands not already ceeded in East Florida, situated between the banks of the Santa Lucia and St. John's, to their entrance into the sea and the coast of the gulf of Florida, and the islands adjacent, with the mouth of the river Hijuelos in the 26th of latitude, following the left bank up to the source, drawing a line to lake Macaco; descending thence by the river St. John to lake Valdez; drawing another line from the northern extremity of this lake to the source of the river Amarima, following the left bank to its mouth by the 28° or 25°* of latitude, and continuing along the sea coast, with all the islands adjacent, to the mouth of the river Hijuelos, the corresponding royal warrant transferring it to him, bearing date in this city, the 5th of February, 1818, signed by the royal hand, and countersigned by Don Esteban Vared, his secretary, and that of the supreme council and chamber of the Indies, conceeding thereby leave to H. E. to put into execution the introduction of negroes for labor, and the cultivation of the land free of duty; and to the end that all should be duly accomplished, communicating the proper orders, as well to the captain general of the island of Cuba, governor of Havana, as to the intendant governor of St. Augustine of Florida, and all other proper authorities; that he administer, direct, and govern the lands contained in the above mentioned description; and in consequence of H. E. not being permitted by his grave occupations to perform it for himself, and to pass in person to take possession, and to give the mass any attentions to means and disposition requisite to carry it into execution in all respects the intentions of H. M. as example manifested as well in the said royal order of concession of the possession, dated 17th December, 1817, as in the warrant of the 6th February, 1818, he decided after mature examination to confer a charge of such importance upon a person possessed of his entire confidence, and finding at that time that which he desired in Don Nicolas Garrido, then residing in this city of Madrid, to the effect under date of 27th of same month of February, 1818, and before me, the subscriber, notary, granted in his favor the most ample, general, and unlimited powers, which for the purpose could be necessary, so that in the name of H. E., and representing his proper person, rights and actions, he should substitute and present himself before H. E. the captain general of the Island of Cuba, governor of Havana, the intendant governor of Florida, and other authori-

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Note.— The copulative y instead of the disjunctive ó, is doubtless intended, which would read thus, 28° and 25′ [veinte y ocho grados 25′ m. de latitude.]

ties, ministers, and justices of those dominions corresponding, and leave and license being first granted, he should take and assume in accordance with regulations, and govern therein, real, corporeal, or quasi corporeal, possession in favor of the uncultivated lands aforesaid, and which H. M. graciously conferred in full property upon H. E. for himself and his heirs in East Florida, by the aforesaid royal decree of 17th December, 1819, and the royal warrant issued in his favor; the said Garrido proceeding in consequence to administer, direct, and govern it for him, taking such dispositions as were proper, to the end that, at as early a period as possible; the clearing and preparation of all sites and localities which he regards of most proper and suitable for population might be completed; and moreover to the end that, with the least possible delay, it should take effect, attempting and endeavoring gradually the augmentations, re-edification of edifices, and H. E. having therein the most perfect and entire satisfaction, that the just and wise intentions of the King, our lord, (whom God preserve) will be carried out, confiding to him equally the powers and faculty in his name, and representing him to proceed as he, the said Don Nicolas Garrido, might proceed, not only to the introduction of negroes necessary for laboring, tilling, and cultivating the aforesaid lands, free from duties, according to that which was determined upon by H. M. in the aforesaid royal warrant, dated the 6th February, 1818; but also to the sale and alienation of such portion of the lands aforesaid which he should think fit, to any person or persons, companies, corporations, or communities that he should judge proper, and for such sums, manner, and form of payment as he should esteem and contemplate most useful and advantageous to the rights of H. E., granting moreover upon this, as upon all other cases and things which should appertain to the matter, the writings, instruments, and documents necessary, with the clauses, parts, conditions, requisites, and circumstances which he should deem or judge most conducive to the fulfilment of the intentions of H. E.; all of which are from that time approved and ratified by H. E. as if they had been done, granted, and agreed upon by himself, in consideration of the confidence reposed in him, regulating himself in all things by the uses, customs, and practice of those countries, by the laws which regulate and govern them by the aforesaid royal order of cession of the 17th December, 1817, and the royal warrant of the 6th February, 1818, which to the orders and instruments relating thereto, and their tenor, which H. E. shall communicate to him by his letters missive, which he desires to have as much force and validity as if they were expressly and formally comprehended in the aforesaid special and general power; H. E. conferring upon him also the faculty on his own account and risk to substitute the said power in one or more individuals, only in case and for the purpose of administering and settling of the aforesaid lands, revoking the powers of those in such manner constituted, and naming others in their place, the said power being necessary to the end that he may require and receive accounts of the person or persons, companies, associations, councils, societies, &c., corresponding, giving the charge of all wherein he deems

it right, giving them a single and plain approval so often as they shall appear properly regulated, and that in case they should not be so, he shall correct and continue so to do the errors they contain until none remains, nominating in this case an accomptant or accomptants, or third person as arbitrators, or to proceed in case of default, giving for whatsoever he shall collect and recover, in favor of all concerned, receipts, acquittances, discharges, and other acknowledgments which shall be required of him, and which are to be given in consideration of payment if present, or renunciation of the laws if otherwise; and moreover H. E. conferred upon him the power that in regard to all cases and things which he shall not be able to agree upon and transact well, with whatsoever persons, corporations, or authorities he should compromise them in this case by the meditation of judges, umpires, arbitrators, or amicable mediators, having the other parties to act in like manner; and finally he gave and conferred upon him the power and faculty when, in consideration of the aforesaid circumstances, it shall be necessary to recur to legal proceedings in the name of H. E., to do, proceed in the courts and tribunals, superior and inferior, ecclesiastical, military, and civil, to which the subject shall appertain, making, offering, and presenting petitions, memorials, representations, requisitions, citations, oppositions, witnesses, instruments, defects, contradictions, protests, oaths, requisitions, judicially or extra judicially, to offer and perform whatsoever he shall deem useful and expedient to the rights of H. E. requiring executions, imprisonments, liberations, sequestrations, or their removal of property and sale to satisfy creditors, with possession and protection, hearing acts and sentences, interlocutory and definitive, giving consent to those favorable, and appealing and replying to those which are adverse, upon whomsoever it shall of right belong, following up such appeals and petitions in all instances, and tribunals, gaining and receiving royal provision, warrants, and every species of despatch which he shall have put into proper and due execution; doing and performing likewise in the name of H. E. all other acts and proceedings which judicially and extra judicially shall be required, and that the Duke granting would do and perform for himself if present, for the power which for the performance of all this would be necessary to the aforesaid Don Nicolas Garrido, the same has been given and conferred upon him by H. E., without any limitation, with all its incidents, dependencies, annexations, rights or other things, consequences, full, free, and general administrators, relevancy and obligation of right, free and to be held and established with honor and submission to the justice, authorities competent, which by his causes and business can and ought to have cognizance, to whom authority and jurisdiction, and to that of each one of them in solidum, he submitted, with a renunciation of his own proper jurisdiction, domicil and residence, laws, customs, and rights, with all of them in his favor, as well as the general law in due form, with regard to litigation to conciliate it, whatsoever person or persons he choose, revoking in every case some and nominating others. That afterwards, under date of the 5th of March, in the said year, 1818, before me, the sub-

scriber, secretary, notary of H. M., and a competent number of witnesses, in virtue of the aforesaid royal cession and grant made by H. M. a writing of agreement and partnership between H. E. the Duke of Alagon present, and Don Nicolas Garrido, was entered into, comprising seven clauses or conditions relative to the direction, management, and government of the aforesaid mentioned uncultivated lands, their population, and the distributing of funds and property which they might produce; obliging themselves thereby to execute whatever was agreed upon and stipulated between them, there being among others this agreement, that by the seventh article whatsoever amounts of metallic money or other specie, Don Nicolas Garrido should receive in virtue of the general powers as aforesaid, the orders and instructions which were given him by H. E., whether it might be on account of land or lands sold in East Florida, its products or returns, or for whatsoever cause, he was to hold it in readiness for the order and disposition of H. E. in the same time in which they had been received, deducting therefrom the expenses of commission and other legitimate disbursements which Garrido shall have made in virtue of the power which H. E. had invested him; and by the same, immediately on the reception of the orders, directions, or letters from H. E., that he should dispose of the liquidated balance which should result in his favor, or a part of it, should verify its transmission to the person or persons which H. E., should designate to him, under due formality of style; consenting that, if he should not act in conformity therewith, action should be proceeded in against him, and his property, goods in possession or expediency, in execution, and in the mode the most brief and summary which might be according to law, until the collection and recovery should take effect of whatsoever appears against him and in favor of H. E. for the result of said commission, being likewise on his account and at his risk, the damages, costs and losses which, for the said motive, should be occasioned to H. M., the liquidation of which he assumed in his oath, or whensoever his cause or power should have as substitute, and confirming to H. E. ample power and faculty, that he should serve for executing the exaction of the aforesaid sum, whereon Don Nicolas Garrido should have property with the accustomed salary, for which costs, salaries, and damages was to be made, the same execution and sale of goods and their payments, as for the principal sum or amount, obliging himself not to ask, deduction or diminution, renouncing the benefit of laws which, upon this subject, might favor him; receiving it as a definitive sentence and empowering competently all duties that in regard to it as such they should act and proceed; that with said powers he was constituted in the city of Havana and St. Augustine, in Florida, and proceeding forthwith to the accomplishment and execution consequent upon that resolved upon by H. M., he took corporal possession, vel quasi, and in form, of the uncultivated lands granted by the King, our lord, in East Florida, on the 27th June, 1818, as he caused to be made to appear in a certified document which he remitted; and, nevertheless, H. E. being animated with the best intentions that all should have its due ful-

filment, desiring that his representative, Grannido, should not be in want of any authorization, nor of necessary power to carry out to due fulfilment whatsoever he had communicated to him upon this particular and incident, which might supervene without revoke, suspense, or limit in any manner whatever the whole, or any, the least part of the powers which he has conferred upon the said Don Nicolas Garrido by the general power of the 27th February, 1818 aforesaid, granted another more ample and general before me, the subscriber, secretary, dated in this city, 17th May, 1819, by which substantially he not only confirmed and ratified the proceeding, but with more amplitude he sought to authorize as he authorizes him with whatsoever powers were necessary to carry out whatsoever he had communicated on the subject and the incidents which might occur, desiring for want of any provision whatsoever, and though it should be expressed, the effect should not fail of whatsoever they had intended to grant and confer upon the said point to the said Garrido, for whatever it might be H. E. approves of it in like terms, as if for himself he had performed it, since to this intent, gave and conferred upon him the most ample and general powers, that H. M. having before him when making said grant how greatly the State was interested, that uncultivated lands should be given to great capitalists, to the end that they should be peopled and cultivated, which was the principal object of the King, of our lord, who knew the great advantages which thereby would result; as soon as H. E., the lord Duke, the appearer accepted the said cession, he began to confer and conferred at great length with Richard S. Hackley, a resident of Richmond, Virginia, United States of America, residing at that time in this city, as well as regard to the means, manner, and form of realizing the clearing and preparation of a part of said lands, for the purpose of thereafter of understanding the redification of edifices and consequent population, as upon the introduction of negroes, which for this was indispensible, and the numerous disbursements which it would be necessary to make; upon which Richard S. Hackley, under the denomination of Richard S. Hackley & Co., presented a plan of conditions, under certain laws bearing date 1st January, 1818, and although for the most part they were agreed, the affair then did not go so far as to require an instrument of conveyance for what had been treated, agreed, and concluded upon, and by the same things stood; thus, and without causing to continue their conference thereupon, with the plausible [object] of carrying out in part with the least possible delay the just and beneficent intentions of H. M. The Lord Duke, now present, animated with the same sentiments, granted under date of 29th February, 1818, powers general and special to Don Nicolas Garrido, which are above mentioned, that he should take possession, administer, rule, and govern the said uncultivated lands granted by H. M., by the royal order of the 17th December, 1817, that having continued to confer at large the said Duke, the appearer; and R. S. Hackley, for himself, and in [the] name of his company, upon the agreement and concord of the laws upon which he did not give the plan dated Janua-

ry 1st, 1818, after various discussions, H. E. bearing in mind the particular circumstances and vast information in the matter treated of, which was combined on Richard S. Hackley, departing from the principle of said plan or proposal of conditions, they agreed that H. E. should cede a part of the said lands to R. S. Hackley & Co., and in conformity with an instrument dated 29th May, 1819, H. E. before me, the undersigned, notary, and a requisite number of witnesses, ceded, renounced, and transferred, made grant and donation, pure, perfect, and irrevocable, between living (entre vivos) forever, for himself, and the name of his children, heirs, and successors, in favor of the said Richard S. Hackley & Co., residing in Richmond, Virginia, United States of America, of all the lands embraced from the mouth of the river Amarrima, on the right bank, as far as the source of this river, drawing a line to the river St. John, and descending on the left of this same river to lake Macaco, and from the southern part of this lake, drawing a straight line to the source of the river Hijuelos, descending along its right shore to the sea, continuing along the coast, with its adjacent islands, to the mouth of the river Amarrima; which lands are some of those comprehended in the cession made to H. E. by the King, our lord, by the royal order of the 17th December, 1817; H. E., the Duke, the appearer, reserving to himself by the instrument referred to, in all property, the other places and lands not especially determined in it, nor ceded by the said instruments; H. E. covenanting at the same time that the cession made to Richard S. Hackley & Co. was done with his free and spontaneous will, for himself, his heirs, and successors, or any one who may represent him, in consideration of the advantages which he expected and could be derived from the mode and manner of clearing and *at* settling a point which interest so much our government, and which the said Richard S. Hackley & Co. have offered to realize immediately in conformity with the plan of consideration of 1st January, 1818. That, on account of the political disturbances which preceded and followed the memorable and unfortunate 7th March, 1820, H. E. had to leave this city, and being detained in Bilbao, having precedently conferred the most ample and unlimited powers, special and general, dated on the 12th of the same month and year, upon Don Vicente Murillo y Monte, resident of this city, and cashier of the enterprise of the royal canal of Manzanares, before me, the undersigned secretary, notary of H. M., and which empowered the said Don Vicente Murillo y Monte with the most ample faculties that were confirmed to him, and also to Don Gregorio Gonzales Aquila, residing in this V. H. C., and representative of the above mentioned Richard S. Hackley, living in Richmond, U. S. of America, in virtue of the partnership agreement signed by both [of] them, on 10th April, 1818, by an instrument which they executed in the name of their respective principal, dated 30th June of said year, (1820;) also executed before me, the undersigned, after reciting all that has been already expressed, and especially the conveyances of cession of certain portion of lands by H. E. in favor of the

said Richard S. Hackley & Co., dated 29th May, 1819, in the terms contained in the aforesaid instrument, both agreeing thereto, with a reservation in this, that previously, and by the proper instrument, four parts had to be made out of the lands ceded to Hackley, to wit: The first, which was reserved exclusively for the Duke of Alagon, present, and was to be laid off from the mouth of the river Hijuelos, ascending to lake Maracco, and thence by the lake St. John to the edge of the head waters of the river Romano, descending by that river to the left shore of Carlos bay and the line of coast to the mouth of the Hijuelos; and the other three parts together, which are to be divided into three equal shares or portions, to be comprised of the following land, from Carlos bay, ascending by river Romano to the river St. John, descending thereby to the lake Valdez, thence drawing a line to the head waters of the Amarrima, descending it to its mouth, and removing the line along the coast to Carlos bay; and that being, as they were, agreed and satisfied in making said partition, division, and assignments, and the said Don Gregorio Azaola being put in possession of the fact, not only through orders and instructions furnished him by the said Richard S. Hackley, on his departure from Spain, but by those he subsequently received from him in his letters missive, and making use of them and the powers conferred by the same, and accepted by the agreement of partnership, dated 10th April, 1818; and the said Don Vicente Murillo y Monte making one likewise of those which had been delegated by his principal, the said Duke of Alagon, were present by his powers of 12th March, 1820, that verified it in fact by the instrument aforesaid of 30th June, laying off the part or portion belonging to the said Duke of Alagon, present as above, and the rest as follows: Ascending from Carlos bay by the Romano to the St. John's to lake Valdez, drawing a line therefrom to the head waters of the Amarrima, descending the Amarrima to its mouth, and along the coast to Carlos bay, which was to be divided into three equal portions or shares, devoting and assigning one to the payment of expenses and disbursements indispensably necessary to carry into effect the cutting of timber and clearing and settling lands in compliance with the intentions of the King, our lord, expressed with sufficient distinctness in the royal order of 17th December, 1817, whereby H. M. thought proper to make cession of the lands aforesaid to the said Duke; another part to Richard S. Hackley & Co., and Don Gregorio Azaola, present, and the rest for Don Antonio Noviego, denizen of this city, in consideration of the gratitude the Duke owed and owes him, not only for the sums of money advanced, but for the information which he had supplied for the better success of matters connected with the grant, and because he had offered to continue it until all was duly settled; and it was agreed at the same time by the said instrument, that the said Richard S. Hackley & Co. should continue to administer, direct, and govern by himself, or as appeared best to him, the lands ceded by the said Duke of Alagon by the aforesaid instrument of May 29, 1819, comprising the four parts designated, on account of the great confidence they have in him, and of the particular

circumstances and the vast knowledge he possesses in this matter, being fully satisfied that in due time he will give a right account of every thing under his direction; and, as a greater caution, the said Don Gregorio Azaola, for himself and in the name of his principal, Richard S. Hackley & Co., renounced, abandoned, and gave up the rights and actions which he held and had acquired by the above mentioned instrument of 29th May, 1819, upon the land which had been ceded to him by it, accepting, occupying, and retaining in his power only one of the three-fourth parts of land which were designated, resigning no property of any value, and such as if it had not existed, he would still have signed the instrument of 29th May, 1819, that the instrument of the 3d June, 1820, should be held valid and binding, which was accepted for themselves and in the name of their constituents, not only by the contracting party, Don Vicente Murillo y Montes, Don Gregorio Gonzalez Azaola, but by Don Antonio Bringulez, who was present at the granting of this instrument, *such* and in conformity to which the said instrument had reference; it being understood that the respective cession was made with all due egress and ingress to and from the land, usages, customs, rights, and services which till then had belonged in fact and in right to the said Duke here present, in order that each one here respectively might dispose of it as of his own property, acquired by a just and legitimate title, as is transferred by said instrument; the said Don Vicente Murrillo y Montes, in the name of his principal, the Duke, warranting that for the causes and reasons expressed he owned and possessed the said lands, of which he had made no other cession than that which was partly annulled by the same instruments of 30th June, and that they were not subject or responsible to any charge or encumbrance of which he had not the least idea, full power and faculty being given to each party to dispose of their part as should appear best to them, they obliging themselves to observance and compliance of the same, with all their property and revenues, present and future; that using the faculties and other means given him by the instrument of 30th June, 1820, the said Don Antonio Novieja, for himself and in the name of his children, heirs and successors, did cede, renounce, and transfer, of his free and spontaneous will, forever, the part of the land which he acquired for the causes and reasons stated in said act of 30th of June in favor of Don Vicente Murrillo y Monte, and the undersigned, Don Romano Lorenzo Calvo, by another instrument of 7th January, 1821, given in this court before the notary of H. M. and of its illustrious college, Don Miguel Calvo Garcia, having made the said cession and renunciation, in consideration that the aforesaid persons should stand responsible and obliged to restore and satisfy the said Novieja in affection and metallic money for the sum which, according to accounts adjusted up to that date, was due him by the Duke present, and of which they had already given a part in accounts; and there being of it a particulate separate instrument or obligation, signed by the three of the same date, and in conformity with the said obligation, the above said persons accepted the cession

and remuneration first expressed; and H. E. having in view the fact, that from political circumstances that have taken place, and the respective claims that will be made upon the lands ceded in the Floridas between the Spanish Government and that of the U. S. of America, the grant and cession of H. M., by royal decree of 17th December, 1819, could not have had its effect in all its parts; considering on one side that, according to the state of things, this point ought to be understood and conducted between the two governments; and on the other, that by the residence in these regions of Don Nicolas Garrido, there would result to H. E. much trouble and expense, and no utility whatever. After having reflected with the greatest attention upon all and every one of the particulars, having examined well the whole, and consulting the greatest economy, taking into consideration the large sum which he has already spirit to avail himself of said grant, he determined to withdraw from Don Nicolas Garrido the use of the power which he had conferred on him, and the instructions and orders which he had communicated to him, and transfer them to H. E., Marquis de Casa Ramon, of the faithful city of Havana; and this he did, both by an instrument executed in the city of Bilbao, in the month of June of the said year 1820, by which he revoked, annulled, and declaimed as null and no value or effect, the powers which he had given the said Don Nicolas Garrido, as well as the order and instructions which he might have given and communicated to him on this matter, in order that he might make no use of those powers, in whole or in part, remaining consequently at liberty to return to Spain when it would be suitable to him, especially as soon as he had made a formal relinquishment of all that concern this trust, wishing that all should be arranged as if the powers were given and transferred to the said Marquis de Casa Ramos de la fidelity of Havana, with whom from that date was to be understood to reside every thing appertaining to or connected with the grant and cession of the uncultivated lands in East Florida, made by H. E., the Duke of Alagon present, by royal decree of 17th December, 1817, then in fact H. E. not only declared that the powers on Guerildo (which, as far as he was concerned, ceased to be of effect) were and examined in all their force and vigor in H. E. the Marquis de la Casa Ramos; but that being for high regard for H. E. and for other causes, he conferred on him far greater, the most ample and unlimited powers, general and special, with all the necessary authorities and circumstances he might require, in order that he might be fully gratified for the object stated, confirming and ratifying, in view thereof, all that is expressed concerning Garrido in the powers which H. E. gave him at the date of 27th February, 1818, and 17th May, 1819, and was done likewise with regard to the said Marquis de Casa Ramos, it being understood for greater security that the said Marquis should require an account, and demand and take account from Nicolas Garrido, or any other person concerned, charging to them all they might have belonging to said Duke, as well with respect to the said grant of uncultivated lands of East Florida, ceded by H. M., and the use he might have made of the powers

conferred on him for this object, as to the contract of partnership and agreement, passed between them the 5th March, 1818, approving them in case they were regular, and if not explaining to them the defects, continuing to do so until they should be amended; for which cause and any other, if it were necessary to appear before tribunals, authorities, magistrates, superior and inferior, civil, ecclesiastical, and military, as the case might be, he should make and present demands, representatives, and all acts, steps, and proceedings which might be required, judicially or extra judicially, until all had its complete effect; and in view thereby H. E., the Duke, here present, desired that the said Marquis de Casa Ramos should not only take the whole of the authorities which were conveyed by the powers given by Garrido, and expressed and ratified recently, but all those necessary for carrying into effect such as for the want of some chance or expression might not therein be contained; and for whatsoever might be done afterwards, when the case might present itself, H. E. approved and ratified it as if done by himself personally; the said Duke declaring, as he did declare, that the reasons for withdrawing from Garrido the powers which he had given him was merely on account of the circumstances mentioned and for the sake of economy, which was necessary in the situation in which, at that epoch, political affairs, as well as the person and family of H. E., were placed, and for the same reason it would not cause the least prejudice or injury to his honor and reputation. That politics being restored to the state which they were before the memorable day of 7th of March, 1820, and on this account he having returned to the city from the city of Biblao, where he had been confined, and this, with the intelligence of the noble manner in which H. E., the Marquis de Casa Ramos, had answered to the confidence he had placed in him by the ample *honor* granted him in the city of Bilbao, the said year 1820, H. E. determined, after mature examination and reflection, not only to confirm and ratify the said powers, with the revocation or suspension of the use of the contents in relation to Don Nicolas Garrido, but also the general powers which, at the date of 12th of March, of the said year 1820, he gave and conferred in favor of the said Don Vicente Murrillo y Monte, and all that the latter had done, operated, and acted in virtue thereof; and in like manner the instrument of cession of land which, on the 29th May, 1819, the said Duke executed in favor of R. S. Hackley & Co., in so far as by the other explanatory of 30th June, 1820, they were not abrogated, annulled, and all the other things connected therewith, as it was all established by the proper instrument which the said Duke executed before me, the undersigned, secretary, notary of the kingdoms in this V. H. C., on the 10th February, 1824, by which, in the first place, he confirmed and ratified the instrument of cession of a certain portion of the uncultivated lands in East Florida, of which the King gave him grant and cession by a royal decree of December, 1817, executed by H. E. before me, the undersigned, secretary, on the 29th May, 1819, in favor of Richard S. Hackley & Co., of Richmond, Virginia, in the United

States of America, in so far as by the other explanatory instrument of partition and division of said portion of land, dated 30th June, 1820, it was not annulled or abrogated; in the second place, H. E. ratified and confirmed the general powers which, on the date of the 12th of March, 1820, he gave and conferred before me, the undersigned, to Don Vicente Murrillo y Monte, and for greater security he extended it to all clauses, conditions, and circumstances that might be required, was the express and decided will of H. E. that for want of expression it should fail to have its effect with regard to all he might have done and operated in virtue thereof, he gave it as if it were expressed and therein contained; in the third place, H. E. ratified and approved the instrument, dated 30th June, 1820, which the said Don Vicente Murrillo y Monte, in the name and as the representative of the Duke of Alagon, on the one part, Gregorio Aquela, as representative of the said Richard S. Hackley & Co., of Richmond, executed before me, the undersigned, whereby explaining the cesion made in his favor by the aforesaid instrument of 29th May, 1819, they made four parts of the portion of land comprised therein, to wit: One for the Duke of Alagon; another for the expenses and disbursements indispensably necessary to carry into effect the clearing and settling the land in conformity with the just and wise intentions of H. M.; another for Richard S. Hackley and Co., and the aforesaid Don Gregorio Gonzales Segaole; and the fourth and last for Don Antonio Noriega, denizen of this city, in consideration of the gratitude the Duke of Alagon owed him, as well on account of the sums he owed him as on account of the instructions and knowledge with which he had supplied him for the better execution of the enterprise of the grant, which he offered to continue until all was settled and arranged, the said ratification and confirmation being such and in such form as if the H. E. had himself agreed and executed it. Inasmuch as all was consistent and agreeable to the arrangements and compact with the said Richard S. Hackley & Company, before and at the execution of said instrument of writing of 29th May, although the same was not expressed therein, owing to certain politic views and reasons, and for convenience reserved at the time, ratifying likewise more fully, if, in his case, it should be necessary and required the instrument which, under date of 7th of January, 1821, the said Don Antorio Noriega executed in this city, before the notary of the realm, Don Miguel Calvo Garcia, whereby he ceded, renounced, and transferred forever, for the causes and reasons therein expressed, the part of uncultivated lands in East Florida which he had acquired by the instrument of 30th June, 1820, in favor of Don Vicente Murrillo y Monte, and of the undersigned, secretary and notary of the bed chamber, Don Ramon Gonzales Calvo; and finally, H. E. confirmed and ratified the revocation, that is, suspension of the use of the ample and general powers which he gave on the dates of the 27th February, 1818, and 17th May, 1819, to Don Nicolas Garrido, as also the orders and instructions which he had given and communicated to him for the administration, direction, and government of the uncultivated lands which were ceded

to him in East Florida by H. M.; conferring thus upon H. E., the Marquis de Casa Ramon, of the fidelity of Havana, the largest and most unlimited powers, with all faculties, conditions, and circumstances that might be required, giving by the same therein, as reproduced, then contained in the said powers of 27th February, 1818, and 17th May, 1819, which were cancelled or suspended with regard to the said Don Nicolas Garrido; the said Duke, appearer, wishing that, as to H. E., the Marquis de Casa Ramos, they should be firm and valid, and such as if in that act they were extended and written in the said instrument of 17th February, 1824; being besides sufficiently extensive that he may call to account the said Garrido, or any other person concerned under the conditions which are expressed, and others which he might think important, approving those if he should find them correct, as well as any sale or alienation of any portion of the said lands which the said Garrido might have effected in virtue of the said powers, provided he should find them in accordance with the spirit and faculties of the same powers, receiving its amount, or any other sum whatsoever belonging, from whatever cause, tho' the same should not be expressed to the Duke; giving for all that he may receive or recover from any one concerned receipt of payment, balances, reliefs, to any one, and all the guarantees which might be asked of him, and are to be given in good faith of delivery, being present, or renunciation of his laws if not, with other necessary faculties, and in use without any restriction. Things being so, and H. E. not having obtained until now any happy results in this object, in the midst of his cares and solicitude to realize it, the death of his general attorney, the said Marquis de Casa Ramos, of the fidelity of Havana, took place, and for this reason the progress and direction of so important an affair being paralyzed, it has been convenient for him to treat and deliberate with regard to it with Don Ramon Perito y Lopez, presently residing in this city, and domiciliated in the city of Havana; and after long conferences, and mature examinations, they have agreed and determined not only that H. E., the Duke of Alagon, presents, gives, and grants the same ample and unlimited powers general in favor of Don Ramon Perito y Lopez, which he is ready to accept, relating to the direction, administration, and progress of the said cession; but yet, for more security, they are agreed to form between themselves a mutual partnership, to realize it with greater advantage, under certain parts and conditions that will be hereafter explained, in order that the proper instrument be made in due form, with the necessary requisites, with regard to the object which they now have in view, and in virtue thereof putting into execution by those present, in the way and form that may be best according to law; being aware and certain of what concerned each one in the present case, they agree that H. E., the Duke of Alagon, gives and confers all his powers, complete, ample, general, and special, as sufficient as by law be required, to the said Don Ramon Perito y Lopez, residing at present in this city, and domicilated [in] the city of Havana, with the proper claims, faculties, requisites, and circumstances which H. E.

was pleased to give, and confirmed likewise, upon Don Nicolas Garrido, as well as on the late Marquis de Casa Ramos, of the fidelity of Havana, by the respective powers referred to as granted before me, the undersigned notary, on the 27th February, 1818, and 10th February, 1824; which he gives him as contained and reproduced as if in fact they were so, and such besides as he may need for the object in view, in order that, in the name of H. E., and representing his person, rights, and actions, he may administer, direct, and govern the uncultivated lands situated in East Florida which H. M. was pleased to give in full property to him, his heirs and successors, by the royal warrant signed by his royal hand, and countersigned by the Lord Don Esteban Varra, his secretary, and of the council and chamber of the Indies, dated in the royal Palace of this city, the 6th February, 1818, excepting the part or parts of said lands, for the causes and reasons stated, and that he reproduces, ceded, and transferred, as well to Richard S. Hackley & Co., of Richmond, to Don Gregorio Gonzales de Azaola, as to Don Antonio Norreiga, and of which the latter disposed by a public instrument in favor of Don Vicente Murrillo y Monte, and of the undersigned notary, Don Ramon Lorenzo, and which H. E. has confirmed and ratified; and for greater security he does so now again, in order that it may have all the force and validity necessary, calling to account upon it as well Don Nicolas Garrido, or his representative, or any other one who may have to give account, approving them when regular, or disputing them when they are not correct, giving for what he may receive or recover, of whom it may concern, receipts of payments, balances, &c., and as many guarantees as may be demanded of him and ought to be given in faith of delivery, being present, or renunciation of its laws if not so; granting *granting* upon all matters, or in any part, the instrument or instruments useful, with the clauses, powers, and conditions, and circumstances which he might agree, which from this moment, and for henceforth H. E. approves, agrees to, and ratifies as if they had been done, contracted, and granted by himself; giving likewise H. E. power and faculty that if upon it, or any incident case, it were necessary to appear in judgment, he may do so before the authorities, judges, and tribunals, competent, superior, or inferior, doing and taking measures and proceedings, either judicial or extra judicial, attending it, and with the quality that for his account and to his risk he may substitute it in whole or in part to the individual or individuals whom he might think proper, revoke those constituted and constitute others again, since H. E. gives and confers to him the power necessary for it, with derogation and expressed revocation of any others which he may before have given and conferred, with all their incidents, dependencies, and contingencies, the free grant and general administration, remission, and obligation, that, according to law, he might hold it firm, with the power of laws and submission to them, and the competent justice, renunciation of laws, as it is prohibited by the generality of them in form; and the grantee of these powers, said Ramon Pinto y Lopez here present, being fully informed of all its contents, said, that he accepted and did accept

them on all and for all, and for greater security would give, and he gave to his constituent, the Duke of Alagon, the greatest acknowlegment for the honor and distinction thus conferred on me, and then both appears, wishing to carry to a fair and due effect the mutual partnership entered into after a mature examination for the greatest and quickest progress, direction, administration, and alienation in its case of the said uncultivated lands, situated in East Florida, ceded by H. M. to the Duke, here granting by the royal warrant of 6th February, 1818, in the part which was not yet ceded or alienated, putting it in a public document, they declare in the most solemn form that the basis and conditions on which they have agreed upon it, are the following:

1st. That all the expenses and disbursements which, in the form of money effective, are to be made in the claims to establish and put in order at the disposal of the Duke of Alagon, granted the uncultivated land situated in East Florida, ceded in full property to H. E. by H. M. Ferdinand 7th, (who is in glory,) by the royal warrant of the 6th February, 1818, are to be expressly to the charge of Don Ramon Pinto y Lopez.

2d. That the said Don Ramon Pinto y Lopez is from this moment authorized in the most solemn manner, by H. E. the Duke of Alagon, in order that he may, as soon as he can cede the part he thinks necessary of the said uncultivated lands, (and which are not already disposed of for the causes and reasons explained in the former powers general,) to use the amount produced to the payments and satisfaction of the costs, and donations, and remands, and other expenses that may occur in respect to the said claim or claims.

3d. And finally, on condition, and in this, both H. E. the Duke of Alagon and Don Ramon Pinto y Lopez, the contracting parties, are agreed and of opinion that if the said claim or claims of the said uncultivated lands in East Florida being established, it should please the Lord God to call to a better world the Duke of Alagon, H. E. wishes that his heirs and successors be obliged and subjected to wait for the final result of said claims, and without the least faculty and authorization to revoke the general powers which H. E. gives for this particular business to Don Ramon Pinto y Lopez, that they shall have no power to alter or modify in the least that which has been agreed upon and contracted in this treaty and contract until it is totally finished and concluded, provided the said claims had already commenced when such misfortune should happen as the decree of H. E., and which he most expressly charged and most positively and favorably prohibits them to take any steps contrary to the present act, with especial charge that in this case they will have to receive the accounts which the said Don Ramon Pinto y Lopez will present to them, with which clauses, conditions, and circumstances they are ready to carry to a firm and due effect in all its parts this agreement and contract; and they mutually and reciprocally engage themselves to fulfil it with all their property and revenues which they have, and in order that (the case happening) they may be compelled to fulfil it, as it were, by a definitive sentence of a com-

petent judge, passed in authority of a judgment contracted and without appeal, as they received it for such, they give power to the justice and judges of H. M. of whatsover part thereof may be to whom jurisdiction, and to that of each one thus solemnly submit themselves, renounce their own proper jurisdiction, domicil, and residence, laws, statutes, and rights of their respective favor with those which the principal of them prohibits in form. In testimony of which they said, contracted, and signed, to whom I, the undersigned, do know and give faith; being witnesses thereto, Don Lorenzo Lorens, Don Juan Gomez, and Don Jacunda Pias Montres, residents and domiciliated in this city. I, the Duke of Alagon, Baron of Spes.

RAMON PINTA Y LOPEZ.

Before me.

ROMAN LORENS CALVO.

I testify, that on said day I gave a copy to H. E. in two sheets, with the illustrious and intermediate seal of a quarter of maravedez.

CALVO.

I likewise certify, that I have given duplicate and triplicate copies of the same. One rubric.

Agrees with the record of public instruments which, as notary public of the realm, and of the illustrious college of this city, passed before me in the past year, 1835, in which register it occupies from page 33 to 53, both inclusive; the original being in my charge, which I attest and refer.

And in testimony thereof, and in obedience to a compulsory mandate from Don Miguel Maria Daran, judge of first instance of this V. H. C., dated 8th instant, and countersigned by the notary of the number thereof, Don Santiago de la Graga, upon the petition of Don Severn Teakle Wallis, commissioner, agent, and representative in this city, of the Secretary of the Interior of the Government of the United States of America.

I, Don Roman Lorenzo Calvo, of the council of H. M., her secretary, notary of chambers in the supreme tribunal of war and marine, notary of the realms and of the Indies, and member of the illustrious college of this city, give these presents, which I rubricate and sign at Madrid, 14th January, one thousand eight hundred and fifty.

Corrected—three—of 17.

(Rubrico.)

ROMAN LORENZO DE CALVO.

Legalization.

The escribano of H. M,. notaries of the kingdoms, and of the illustrious college of this city, who hereto affix our hands and signets, certify and attest, that Don Roman Lorenzo Calvo, by whom the foregoing certified copy is authenticated, is, as he styles himself, secretary of H. M., his secretary of chambers, and notary of the kingdoms, and mem-

ber of the said illustrious college; that he is faithful, legal, and of all confidence, and the signet and handwriting affixed hereto is in his own handwriting, and such as he uses in all his instruments, to which full faith is, and have always been given, judicially and extra judicially.

In testimony whereof, wherever it may avail, we give these presents, sealed with the seal of our college, at Madrid, on the 26th January, one thousand eight hundred and fifty.

[Rubric.] [Rubric.] [Rubric.]

JOSE PEREZ MARTINEZ,
JUSTO MERAYLA,
JOSE DEL PINAL Y GONZALES.

I, Don Miguel Maria Pasan and Herman, magistrate of the territorial audience of Grennada, and judge of first instance of this city of Madrid, &c., certify, that the three escribanos by whom the foregoing document is authenticated and legal, and of confidence, and are entitled to faith and confidence, in judication and thereout.

In testimony whereof I grant these presents, at Madrid, this 5th of February, one thousand eight hundred and fifty.

(Seal of college.) (Signed) MIGUEL MARIA DARAN.

(Fees, 26 reals velon.)

Don José Francisco Morejon, regent of the territorial audience of this capital, certifies, that Don Miguel Maria Pasan, by whom the foregoing is granted, is as he styles himself, and the signature and rubric with which he authenticates the same, are to all appearances in his handwriting as he [is] accustomed to do in his writing.

Madrid, 6th February of this year of the seal.

(Signed) JOSE FRS. MOREJON. [SEAL].

I, Don Lorenzo Arrezola, knight grand cross of the royal and distinguished Spanish order of Charles the III, and of the American order of Isabel the catholic, minister of grace and justice, principal notary of the kingdoms, &c., certify, that Don José Francisco Morejon, by whom the foregoing document is authenticated, is, as he styles himself, regent of the territorial audience of this city, and the signature and rubric attached thereto are his to all appearances; and I certify, also, at the request of the party interested, that the notaries of this court have no seal, but only a signet, the college only using a seal.

In testimony whereof I grant these presents, at Madrid, this 5th February, one thousand eight hundred and fifty.

(Signed) LORENZO ARRAZELO.

I, Don Antonio Cabballero, secretary of the department of state, &c., certify, that Don Lorenzo Arrazola, by whom the foregoing document is authenticated, is such minister of grace and justice, as styles himself, and the signature affixed thereto appears to be his.

In testimony whereof I sign the same, at Madrid, on the 11th February, one thousand eight hundred and fifty.

(Signed) ANTONIO CABBALLERO.

(Here follows the certificate of Don M. Barringer, minister, &c., of [the] United States.

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE, *Translator.*

And the defendant then read in evidence various passages, as follows, in the 1st, 12th, and 13th, and 18th volumes of the Diario of the Cortes, and from the 1st volume, or No. 1, of the appendix, and marked and numbered Defendant's document, No. 33.

Defendant's document, No. 33.

No. 1.

Extract from the 1st volume of the "Diario de los Cortes," page 27

[TRANSLATION.]

Speech of King to Cortes, July 9, 1820.

The most perfect harmony reigns in general in our relations with foreign nations, excepting, however, certain differences, which, although they have not reached the point of disturbing the present pacific state of things, have, nevertheless, given rise to questions which cannot be settled without the participation and intervention of the Cortes of the kindom. Of this nature are those which are pending with the United States of America, in regard to the ulterior condition of the Floridas.

No. 2.

Page 37, of the same volume.

[TRANSLATION.]

Reply of Cortes, July 10, 1820.

The Cortes only regret the existence of difficulty with the United States of America and his most faithful Majesty, but the principles of moderation and justice, which will now direct our negotiations, create the hope that they will be put an end to upon terms the result of which will be honorable to the nation, and which will not interrupt the pacific system agreed upon among the nations of Europe, to the preservation whereof the Cortes, with the concurrence of your Majesty, will most particularly lend their aid.

No. 3.

Page 52, of same volume.

[TRANSLATION.]

Read, July, 1820, *relating to foreign relations.*

The Secretary of State read from the tribune a report, in which he gave a statement of the diplomatical relations of the Government of Spain with those of other nations.

The report is to be found in the appendix to the proceedings of 1820, No. 1. The part referring to the Florida treaty is as follows, pp. 4, 5, 6, 7.

Report read by Secretary of State to Cortes.

[TRANSLATION.]

Only two occurrences have occasioned difficulties with two powers; the Portuguese government, in Brazil, and the Republic of the United States of America, differences which have given rise to negotiations still pending. Another matter pending is that which relates to the treaty signed by the King and the President of the United States, on the 22d of February last, and not ratified by his Majesty. It was the object of this treaty to put away controversies which had existed for so long a time as to create an urgent necessity for their settlement; it was proposed to indemnify the United States for certain heavy claims set up on the part of their citizens for injuries of various sorts, and to establish at the same time a dividing [line], which, by fixing the western boundary of Louisiana, should put an end to prejudicial uncertainties, to alterations, and to inconveniences of great quantity. In the protracted discussions both of earlier and recent date, which have preceded this treaty, the matter in controversy in regard to boundary and other questions, has been it may be said exhausted, and handled with judgment and clearness by the Spanish ministry; in the treaty itself the King has offered to the United States the cession of both the Floridas; but various considerations having decided his royal mind not to ratify it—that fact has placed his Majesty under the necessity of sending a plenipotentiary to Washington, entrusted *entrusted* with various matters of explanation; the envoy had arrived at his destination, but negotiation had scarcely commenced when they were interrupted by the news of our political change. The nature of this grave affair and the indispensible necessity of presenting it for discussion to the Cortes, because of territorial cessions being involved as one of the basis of the arrangement, compel his majesty's secretary of State to suspend further details until the moment believed to be very near at hand, in which the matter will be presented to the Cortes by order of the King, and their attention definitely and specially called to it.

Nos. 4, 5, 6, separately. No. 7.

Extract from 12th vol. of the "Diario de las Cortes." No. 1, p. 4.

Translation—Speech of the King to the Cortes, March 1st, 1821.

The notification which in virtue of the authorization of the Cortes I deemed fit to the treaty of the Floridas, and settlement of boundaries with the United States of America, must have reached the hands of that Government some time back, although as yet no information has been received.

No. 8, separately.

Page No. 9—page 5 of vol. 12, No. 7.

Translation.—Reply of Cortes of March 6th, 1821.

The Cortes have learned with the greatest pleasure, that the relation of friendship and harmony with other nations remain altogether unchanged; such on this point are the sentiments of the Cortes; and such their claim for the faithful observance of stipulations entered into with other nations, that they did not hesitate to ratify the treaty of the Floridas, and settlement of boundaries with the United States of America, adjusted and concluded prior to the re-establishment of the constitutional system.

No. 10.—"Diario," Vol. 13, No. 10, p. 28.

Translation.—Report of committee on political affairs on the report of Secretary of State of 4th March, 1826.

The desire of preserving them (friendly relations) with the United States of America, and of putting an end to sources of misunderstanding which have arisen in the process of long and protracted negociations, decided his Majesty's government to ratify the treaty entered into in 1819 with that Republic, in reference to indemnity claims and final settlement of boundaries. The authorization of the Cortes being necessary for the cession of the Floridas, stipulated in that treaty, although they (the Cortes) considered that cession as the sad fruit of circumstances, into which the monarchy has been plunged by the shortsightedness and errors of its arbitrary government, they did not hesitate nevertheless in acceding, so far as was within their province, to the proposed ratification, which circumstances foreign to the public good had retarded till that time. So solemn an evidence of Spanish good faith, and of the respect with which the observance of treaties is regarded by the Cortes, must always do honor to our noble and generous policy; and although there has as yet been received no intelligence that the ratification given by his Majesty has reached the hands of the American Government, it is nevertheless very probable that such has been the fact, and that that Government, appreciating so unequivocal a proof of good fellowship, the bonds which ought always to unite two free countries will be drawn more and more closely.

Nos. 11, 12, 13 separately.

No. 14.—Extract from "Diario de las Cortes." Vol. 18, No. 13, p. 5.

Translation.—Substance of report of committee on political affairs of 22d March, 1821, entered in public journal, May 22d, 1822.

Congress in direct session of the 5th of October, in the year last past, gave authority to the King for the cession of the Floridas, stipulated in the treaty of February 22d, 1819, entered into with the United States, and his Majesty having ratified the same in virtue of said authority, the Secretary of State ad interim, Don Francisco de Paula Esmelerd made known to the Cortes (elevated to the knowledge of the Cortes) the contents of the ratification, in order that if the same shall be found in accordance with their action in the premises, (accordant with what was resolved by them) the said treaty may be published in Spain with the accustomed solemnity, and as has already been done in the Territory of the Confederation.

The political committee in compliance with the order of the Cortes of the 11th of the present month, have examined anew the treaty, the exchange of ratifications, the authorization by Congress for the cession of the Floridas, and the rest of the documents relative to this affair, and no matter of objection whatever having presented itself, the committee are of the opinion that the Cortes, commanding the original documents, which have been remitted to them for their information, and which should remain in the office of the Secretary of State, to be returned, should make known to the Government that, in consideration of their having found no objection on their part to the publication of said treaty, the same may be proceeded with, the following form being used therefor, as the most in keeping with our ins[ti]tution, preserving the power of Congress in their integrity, and at the same time leaving inviolate the prerogative of his Majesty.

Don Ferdinando VII, &c., &c.—Know ye, whereas by virtue of the power granted me by the constitution, and with the previous authorization of the Cortes, for the cession of territory, I have thought fit to ratify the treaty made with the Republic of the United States of America, on the 22d of February, 1819, the term whereof is literally as follows:

No. 15.—"Diario de las Cortes," Vol. 18, No. 15, last paragraph.

Translation.—May 23d, 1821.

The Cortes went into secret session.

And the defendant then read in evidence the following copy of minutes of a secret session of the Cortes. (Numbered and marked as Defendant's document No. 34.

Defendant's document No. 34.

Copia de tres proposiciones hechas en la sesion secreta celebrado por las cortes en 5 de Octubre de 1820, legun resulta de las minutas del archivo de las mismas cortes incorporado en el de esta secretaria.

1*a. Señor Sancho.*

En el caso de que S. M. no use de la facultad que las cortes le dan para ceder las Floridas se anulen siempre las donaciones hechas al Duque de Alagon, al Conde de Punon Rostro, y á Don Pedro Vargas.

(Firmado) SANCHO.

Sesion secreta de 5 de Octubre de 1820. Aprobada. Hay una rubrica.

2*a. Sr. Morales.*

Que se reconiende el gobierno la suerte de los Españoles que pueblan actualmente las Floridas.

(Firmado) MORALES.

Sesion secreta de 5 de Octubre, &c., 1820. Aprobada. Hay una rubrica.

3*a. Sr. Martinez.*

Que pase al gobierno apediente de Don Ricardo Made, para que le de el curso correspondiente y que sea una ventajosa á la nacion.

(Firmado) FRANCISCO MARTINEZ.

Sesion secreta, 5 de Octubre de 1820. Aprobada. Hay una rubrica.

Como ministro de estado certifico, que los ecritos que preceden estan fielmente copiadas de las minutas que existen en el archivo del ministerio de mi cargo; en prueba de lo cual, á instancias de Secretario de la Interior de los Estados Unidos, doy le presente, firmado de mi mano, y sellada con el sello de este ministerio, en palacio, á trece de Febrero de mil ochocientos cincuenta.

PEDRO J. PINDAL.

No. 4. *Translation.*

Department of State.

Copy of three propositions made in the secret sessions held by the cortes on October 5th, 1820, as appears by the minutes of the archives of the cortes themselves, incorporated in the archives of this department.

1. *That of M. Sancho.*

That in case his Majesty shall not use his authority which the cortes gave him to cede the Floridas, the donations made to the Duke of Ala-

gon, Count of Punon Rostro, and Don Pedro Vargas be still (nevertheless) null.

(Signed) SANCHO.

Secret session of October 5th, 1820. Approved. There is a rubric, (flourish.)

2. *That of M. Morales.*

That the fate of the Spaniards, who at present people the Floridas, be recommended to the government.

(Signed) MORALES.

Secret session of October 5th, 1820. Approved. There is a rubric, (flourish.)

3. *That of Martinez.*

That the memorial of Mr. Richard Mead be passed to the government, in order that it may give to the same the direction which may be proper and most advantageous to the nation.

(Signed) FRANCISCO MARTINEZ.

Secret session of October 5th, 1820. Approved. There is a rubric, (flourish.)

As minister of State I certify, that the writings aforegoing are faithfully copied from the minutes which exist in the archives of the ministry under my charge; in testimony whereof, at the request of the Secretary of the Interior of the United States, I give these presents; signed by my hand, and sealed with the seal of this department, at the Palace, this 13th day of February, 1850.

[SEAL OF STATE.] (Signed) PEDRO J. PINAL.

[Here follows the certificate of Daniel M. Barringer, minister, &c., of the United States.]

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE, *Translator.*

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States, near the court of her catholic Majesty, do hereby certify, that the certificate aforegoing, of his excellency the Marquis of Pidal, first secretary of the State of her catholic Majesty, given at the request of the Secretary of the Interior of the United States, is genuine, in due form, and by the proper officer.

And I do further certify, that the instruments of writing to which the same is annexed, are true copies of the original from which they purport and are certified to have been taken, and which exist among the public records of the kingdom of Spain, whereof the individual so certifying has official custody.

In testimony whereof I have set my hand and the seal of this legation, this 22d day of February, A. D. 1850.

D. M. BARRINGER.

And the defendant also read in evidence the following document, numbered and marked as Defendant's document No. 35, being a despatch from the cortes to the secretary of State, communicating their proceedings of 5th Oct., 1820.

Defendant's document No. 35.

Copia de un oficio de las cortes al Secretario del Despacho de Estado, de 5 de Octubre de 1820, tomada de la minuta del archivo de las mismas cortes, incorporada en el de esta secretaria:

Ex'mo señor: Al propio tiempo que las cortes han acordado el decreto que por separada dirijimos á V. E., con esta propia fecha, autorizando al Gobierno para la cesion de las dos Floridas han resuelto, que en caso de que S. M. no use de la facultad que las cortes le dan para dicha cesion, que den anuladas por siempre las donaciones de terrenos de las Floridas hechas al Duque de Alagon, al Conde de Punon Rostro, y á D. Pedro Vargas, que se recomiende al Gobierno como lo hacen la suerte de los Españoles que pueblan actualmente las Floridas, y que se pase al mismo el adunto recurso de D. Ricardo Meade, para que le de el curso correspondiente, y que sea mas ventajoso á la nacion. De order de las cortes lo comunicamos á V. E. á fin de que se sirva elevarlo á noticia de S. M. para los efectos consiguientes. Dios, &c.

Como ministro de estado certifico, que el escrito que precede esta fielmente copiado de la minuta que existe en el archivo del ministerio de mi cargo, en prueba de lo cual, á instancias del Secretario de lo Interior de los Estados Unidos, doy la presente, firmada de mi mano, y sellada con el sello de este ministerio, en Palacio, á trece de Febrero de mil ochocientos cincuenta.

PEDRO J. PIDAL.

I, Daniel M. Barringer; envoy extraordinary and minister plenipotentiary of the United States near the court of her catholic Majesty, do hereby certify, that the certificate aforegoing of his excellency the Marquis of Pidal, first secretary of state of her catholic Majesty, given at the request of the Secretary of the Interior of the United States, is genuine, in due form, and by proper officer. And I do further certify, that the instrument of writing to which the same is annexed is a true copy of the original from which it purports and is certified to have been taken, and which exists among the public records of the kingdom of Spain, of which the individual so certifying has official custody.

In testimony whereof I have hereunto set my hand and the seal of this legation, this 22d day of February, 1850.

D. M. BARRINGER.

gon, Count of Punon Rostro, and Don Pedro Vargas be still (nevertheless) null.

(Signed) SANCHO.

Secret session of October 5th, 1820. Approved. There is a rubric, (flourish.)

2. *That of M. Morales.*

That the fate of the Spaniards, who at present people the Floridas, be recommended to the government.

(Signed) MORALES.

Secret session of October 5th, 1820. Approved. There is a rubric, (flourish.)

3. *That of Martinez.*

That the memorial of Mr. Richard Mead be passed to the government, in order that it may give to the same the direction which may be proper and most advantageous to the nation.

(Signed) FRANCISCO MARTINEZ.

Secret session of October 5th, 1820. Approved. There is a rubric, (flourish.)

As minister of State I certify, that the writings aforegoing are faithfully copied from the minutes which exist in the archives of the ministry under my charge; in testimony whereof, at the request of the Secretary of the Interior of the United States, I give these presents; signed by my hand, and sealed with the seal of this department, at the Palace, this 13th day of February, 1850.

[SEAL OF STATE.] (Signed) PEDRO J. PINAL.

[Here follows the certificate of Daniel M. Barringer, minister, &c., of the United States.]

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE, *Translator.*

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States, near the court of her catholic Majesty, do hereby certify, that the certificate aforegoing, of his excellency the Marquis of Pidal, first secretary of the State of her catholic Majesty, given at the request of the Secretary of the Interior of the United States, is genuine, in due form, and by the proper officer.

And I do further certify, that the instruments of writing to which the same is annexed, are true copies of the original from which they purport and are certified to have been taken, and which exist among the public records of the kingdom of Spain, whereof the individual so certifying has official custody.

In testimony whereof I have set my hand and the seal of this legation, this 22d day of February, A. D. 1850.

D. M. BARRINGER.

And the defendant also read in evidence the following document, numbered and marked as Defendant's document No. 35, being a despatch from the cortes to the secretary of State, communicating their proceedings of 5th Oct., 1820.

Defendant's document No. 35.

Copia de un oficio de las cortes al Secretario del Despacho de Estado, de 5 de Octubre de 1820, tomada de la minuta del archivo de las mismas cortes, incorporada en el de esta secretaria:

Ex'mo señor: Al propio tiempo que las cortes han acordado el decreto que por separada dirijimos á V. E., con esta propia fecha, autorizando al Gobierno para la cesion de las dos Floridas han resuelto, que en caso de que S. M. no use de la facultad que las cortes le dan para dicha cesion, que den anuladas por siempre las donaciones de terrenos de las Floridas hechas al Duque de Alagon, al Conde de Punon Rostro, y á D. Pedro Vargas, que se recomiende al Gobierno como lo hacen la suerte de los Españoles que pueblan actualmente las Floridas, y que se pase al mismo el adunto recurso de D. Ricardo Meade, para que le de el curso correspondiente, y que sea mas ventajoso á la nacion. De order de las cortes lo comunicamos á V. E. á fin de que se sirva elevarlo á noticia de S. M. para los efectos consiguientes. Dios, &c.

Como ministro de estado certifico, que el escrito que precede esta fielmente copiado de la minuta que existe en el archivo del ministerio de mi cargo, en prueba de lo cual, á instancias del Secretario de lo Interior de los Estados Unidos, doy la presente, firmada de mi mano, y sellada con el sello de este ministerio, en Palacio, á trece de Febrero de mil ochocientos cincuenta.

PEDRO J. PIDAL.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States near the court of her catholic Majesty, do hereby certify, that the certificate aforegoing of his excellency the Marquis of Pidal, first secretary of state of her catholic Majesty, given at the request of the Secretary of the Interior of the United States, is genuine, in due form, and by proper officer. And I do further certify, that the instrument of writing to which the same is annexed is a true copy of the original from which it purports and is certified to have been taken, and which exists among the public records of the kingdom of Spain, of which the individual so certifying has official custody.

In testimony whereof I have hereunto set my hand and the seal of this legation, this 22d day of February, 1850.

D. M. BARRINGER.

No. 5.

Translation.

DEPARTMENT OF STATE.

Copy of an official despatch of the Cortes to the Secretary of State of October 5, 1820, taken from the minutes from the archives of the Cortes themselves, incorporated in them of this department.

Most excellent sir: At the same time that the cortes have passed the decree which we direct separately to your excellency under this date, giving the Government authority for the cession of the Floridas, they have resolved, that in case his Majesty shall not use the power which the cortes confer upon him to make the said cession, the donation of lands in the Floridas to the Duke of Alagon, the Count of Punon Rostro, and Don Pedro Vargas shall remain annulled forever; that the interests of the Spanish citizens by whom the Floridas are now peopled, be, and the same are hereby, recommended to the Government, and that the accompanying memorial of M. Ricardo Meade be passed to Government, in order that it may give to the same that direction which is proper, and may be most advantageous to the nation. By order of the cortes we communicate the above to your excellency, in order that you may be pleased to lay it before his Majesty for the purposes corresponding. God, &c.

As minister of state I certify, that the foregoing writing is faithfully copied from the minutes existing in the archives of the department under my charge.

In testimony whereof, at the request of the Secretary of the Interior of the United States, I give these presents, signed by my hand and sealed with the seal of this department, at the palace, this 13th day of February, 1850.

[SEAL OF STATE.] PEDRO J. PIDAL.

[Here follows the certificate of Daniel M. Barringer, minister, &c., of United States.]

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

And the defendant also read in evidence the following document, numbered and marked as Defendant's document No. 36, being a despatch from the Cortes to the Secretary of State of 5th October, 1820.

Defendant's document No. 36.

Despatch from the Cortes to Secretary of State.

Copia de un oficio de las Cortes al Secretario del Despacho de Estado, de 5 de Octubre de 1820, tomada de la minuta del archivo de las mismas Cortes, incorporado en el de este secretaria.

Ex'mo Señor: De orden de las cortes y con de volucion del expediente que lo ha promovido acompañamos á V. E. el decreto por el cual en uso de sus facultades autorizan al gobierno para la cesion de las Floridas, á fin de que se sirva elevarlo á noticia de S. M. para los efectos convenientes. Dios guarde á V. E. ms. as.

(Firmado) JOSE MARIA CONTO,
Disputado secretario,
MARCIAL ANTONIO LOPEZ,
Disputado secretario.

Copia del decreto á que se refiere el anterior oficio:

Las cortes, usando de la facultad que se les concede por la constitucion han decretado: En consecuencia de la propuesta del gobierno, se autoriza al mismo para la cesion de las dos Floridas, occidental y oriental, estipulada en el tratado pendiente entre S. M. y los Estados Unidos de America. Madrid, cinco de Octubre de mil ochocientos veinte.

EL CONDE DE TORENO,
Presidente,
MARCIAL ANTONIO LOPEZ,
Disputado secretario,
JOSE MARIA CONTO,
Disputado secretario.

Como ministro de estado, certifico que les ecritos que preceden estan fielmente copiados de las minutas que existen en el archivo del ministerio de mi cargo; en prueba de lo cual, á instancias del Secretario de lo Interior de los Estados Unidos, doy la presente, firmada de mi mano, y sellada con el sello de este ministerio, en Palacio, á trece de Febrero de mil ochocientos cincuenta.

PEDRO J. PIDAL.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States, near the court of her catholic Majesty, do hereby certify, that the certificate aforegoing of his excellency the Marquis of Pidal, first secretary of state of her catholic Majesty, given at the request of the Secretary of the Interior of the United States, is genuine, in due form, and by the proper officer.

And I do further certify, that the instrument of writing, to which the same is annexed, are true copies of the original from which they purport and are certified to have been taken, and which exist among those public records of the kingdom of Spain, whereof the individual so certifying has official custody.

In testimony whereof I have hereunto set my hand and affixed the seal of this legation, this 22d day of February, A. D. 1850.

D. M. BARRINGER.

No. 5.

Translation.

DEPARTMENT OF STATE.

Copy of an official despatch of the Cortes to the Secretary of State of October 5, 1820, taken from the minutes from the archives of the Cortes themselves, incorporated in them of this department.

Most excellent sir: At the same time that the cortes have passed the decree which we direct separately to your excellency under this date, giving the Government authority for the cession of the Floridas, they have resolved, that in case his Majesty shall not use the power which the cortes confer upon him to make the said cession, the donation of lands in the Floridas to the Duke of Alagon, the Count of Punon Rostro, and Don Pedro Vargas shall remain annulled forever; that the interests of the Spanish citizens by whom the Floridas are now peopled, be, and the same are hereby, recommended to the Government, and that the accompanying memorial of M. Ricardo Meade be passed to Government, in order that it may give to the same that direction which is proper, and may be most advantageous to the nation. By order of the cortes we communicate the above to your excellency, in order that you may be pleased to lay it before his Majesty for the purposes corresponding. God, &c.

As minister of state I certify, that the foregoing writing is faithfully copied from the minutes existing in the archives of the department under my charge.

In testimony whereof, at the request of the Secretary of the Interior of the United States, I give these presents, signed by my hand and sealed with the seal of this department, at the palace, this 13th day of February, 1850.

[SEAL OF STATE.] PEDRO J. PIDAL.

[Here follows the certificate of Daniel M. Barringer, minister, &c., of United States.]

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

And the defendant also read in evidence the following document, numbered and marked as Defendant's document No. 36, being a despatch from the Cortes to the Secretary of State of 5th October, 1820.

Defendant's document No. 36.

Despatch from the Cortes to Secretary of State.

Copia de un oficio de las Cortes al Secretario del Despacho de Estado, de 5 de Octubre de 1820, tomada de la minuta del archivo de las mismas Cortes, incorporado en el de este secretaria.

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Ex'mo Señor: De orden de las cortes y con de volucion del expediente que lo ha promovido acompañamos á V. E. el decreto por el cual en uso de sus facultades autorizan al gobierno para la cesion de las Floridas, á fin de que se sirva elevarlo á noticia de S. M. para los efectos convenientes. Dios guarde á V. E. ms. as.

(Firmado) JOSE MARIA CONTO,
Disputado secretario,
MARCIAL ANTONIO LOPEZ,
Disputado secretario.

Copia del decreto á que se refiere el anterior oficio:

Las cortes, usando de la facultad que se les concede por la constitucion han decretado: En consecuencia de la propuesta del gobierno, se autoriza al mismo para la cesion de las dos Floridas, occidental y oriental, estipulada en el tratado pendiente entre S. M. y los Estados Unidos de America. Madrid, cinco de Octubre de mil ochocientos veinte.

EL CONDE DE TORENO,
Presidente,
MARCIAL ANTONIO LOPEZ,
Disputado secretario,
JOSE MARIA CONTO,
Disputado secretario.

Como ministro de estado, certifico que les ecritos que preceden estan fielmente copiados de las minutas que existen en el archivo del ministerio de mi cargo; en prueba de lo cual, á instancias del Secretario de lo Interior de los Estados Unidos, doy la presente, firmada de mi mano, y sellada con el sello de este ministerio, en Palacio, á trece de Febrero de mil ochocientos cincuenta.

PEDRO J. PIDAL.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States, near the court of her catholic Majesty, do hereby certify, that the certificate aforegoing of his excellency the Marquis of Pidal, first secretary of state of her catholic Majesty, given at the request of the Secretary of the Interior of the United States, is genuine, in due form, and by the proper officer.

And I do further certify, that the instrument of writing, to which the same is annexed, are true copies of the original from which they purport and are certified to have been taken, and which exist among those public records of the kingdom of Spain, whereof the individual so certifying has official custody.

In testimony whereof I have hereunto set my hand and affixed the seal of this legation, this 22d day of February, A. D. 1850.

D. M. BARRINGER.

Translation of document No. 36.

State Department.

Copy of an official communication of the Cortes to the Secretary of State, on October 5th, 1820, taken from the minutes from the archives of the Cortes themselves, incorporated with those of this Department.

MOST EXCELLENT SIR: By order of the cortes, and returning to you the despatch which has given rise to the same, we transmit herewith to your excellency the decree by which the cortes, in the exercise of their power, give authority to the Government for the cession of the Floridas, in order that your excellency may be pleased to lay the same before his Majesty for the purpose of corresponding.

God preserve your excellency many years.

(Signed) JOSE MARIA CONTO,
Deputy secretary,
MANUAL ANTONIO LOPEZ,
Deputy secretary.

Copy of the decree to which the aforegoing communication refers:

The cortes, in the exercise of the power bestowed on them by the constitution, have decreed, in consequence of the proposition of the Government, authority is hereby given to the same (Government) for the cession of the two Floridas, west and east, stipulated in the treaty between his Majesty and the United States of America. Madrid, 5th October, 1820.

The COUNT OF TORREND,
President,
MANUAL ANTONIO LOPEZ,
Deputy secretary,
JOSE MARIA CONTO,
Deputy secretary.

As minister of state I certify, that the writing foregoing are faithfully copied from the minutes which exist in the archives of the department under my charge.

In testimony whereof, at the request of the Secretary of the Interior of the United States, I give these presents, signed by my hand and sealed with the seal of this department, at the Palace, the 13th day of February, 1850.

[SEAL OF STATE.] (Signed) PEDRO J. PIDAL.

[Here follows the certificate of Daniel M. Barringer, &c., of the United States.]

I do hereby certify, that the foregoing is true and correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

The defendant also read in evidence the following document, numbered and marked Defendant's document No. 27, being a despatch from Secretary of State to Cortes, under date of 2d March, 1821.

Defendant's document No. 37.

D. Clemente Arias, caballero de la orden de Carlos 3o, secretario honorario de S. M., oficial de la secretaria del Congreso de los Diputados, tesorero y archivero del mismo cuerpo:

Certifico, que en el archivo de mi cargo existe un ejemplar impreso de orden de las cortes de la memoria firmada en Madrid, en dos de Marzo de mil ochocientos veinte y uno, y leida á las mismas en la sesion publica de cuatro del propriomes por el Señor D. Evaristo Perez de Castro, habilitado para el despacho de la secretaria de estado, cuyos dos primeros parrafos, estan concebidentos terminos siguientes:

"Cumpliendo por segunda vez con el honroso grato deber de presentar á las cortes del reino un resumen del estado politico de la nacion con respecto á las relaciones con el estrangeros, tengo el honor de manifestarlas que nuestras relaciones con todas potencias continuan en el mismo piede, amistad y armonia, en que se hallaban durante el curso y al fin de la precedente legislatura."

"La ratificacion que la sabiduria del Rey ha creida conveniente dar al tratado firmado por S. M. y por el Presidente de los Estados Unidos de America, en veinte y dos de Febrero de mil ochocientos diez y nueve, á consecuencia de la autorizacion que dieron las cortes para la cesion de las dos Floridas, és una medida que muchas circumstancias remidas habian heco indispensable, y que en puestas las mismas y el arreglo de limites que en este tratado se estipula debe servir á afianzar las relaciones amistosas, y á estrechas los vinculos de armonia y buena vecindad con los Estados Unidos. Debe ya tiempo hace haber llegado á manos del Gobierno Americano la ratificacion dada por S. M., pero no setiene aun noticia de ello, y solo cuanda se reciba podre tenor el honor de anunciar á las cortes el termino final de este importante negociacion."

El segundo parrafo que precede és el unico que se halla en la precitada memoria con relacion á los Estados Unidos de America; y para que conste doy la presente á solicitud de Mr. S. T. Wallis, comisionado especial de Gobierno de dichos Estados, y de orden de los Escelentisimos Señores Secretarios del Congreso, autorizada con el sello del mismo cuerpo en su Palacio de Madrid, á cuatro de Marzo de mil ochocientos cincuenta.

Vo. Bd. TENIENTE ARIAS,
Vo. Bd. MARTIN BELDA,
Do. Lo. JULIAN DE THULBES.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States, near the court of her catholic Majesty, whereby certify, that the certificate aforegoing of Don Clemento Arias,

keeper of the archives of the congress of deputies of the cortes of Spain, countersigned by Don Martin Belda and Don Julian de Huelbes, secretaries of that body, is genuine in due form of the proper officers.

And I do further certify, that the writing, whereunto the same is annexed, is a true copy from the original thereof, existing in manner and form as in said certificate is set forth, among the public records of the kingdom of Spain, whereof the said Arias hath official custody, and wherefrom he hath given the said copy at the request of the Secretary of the ——— of the United States, communicated through the the agent in his said certificate named.

In testimony whereof I have hereto set my hand and affixed the seal of this legation this seventh day of March, 1850.

D. M. BARRINGER.

Translation.

Defendant's document No. 27.

I, Don Clements Arias, knight of the order of Charles III, honorary secretary of her Majesty, officer of the senatorial bureau of the congress of deputies, treasurer and keeper of the archives of that body, certify, that in the archives under my charge there exists a copy printed by order of the cortes of the report signed in Madrid on March 2, 1821, and read to the cortes in the public session of the 4th of the same month, by Don Evaristo Perez de Castro, secretary of state ad interim, of which report the first two paragraphs are couched in the following terms: "Complying with the second time with the honorable and grateful obligation of presenting to the cortes of the kingdom a summary of the political state of the nations with respect to foreign relations, I have the honor to inform them (the cortes) that our relations with all of them forever continues upon the same footing of friendship and harmony on which they stood during the course and down to the termination of the preceding legislature." The ratification, which the wisdom of the King has deemed it proper to give to the treaty, signed by his Majesty and by the President of the United States of America, on the 22d of February, 1819, in consequence of the authorization which the cortes gave for the cession of the two Floridas, is a measure which, many circumstances united, has rendered indisputable, and which those circumstances being considered, as well as the settlement of boundaries stipulated in the treaty, must serve to strengthen the friendly relation and draw more closely the bonds of harmony and good neighborhood with the United States.

The ratification given by his Majesty must already (some time back) have reached the hand of the American Government, but, as yet, no information to that effect has been received; and, until it shall have arrived, I cannot have the honor of announcing to the cortes the final close of this important negotiation.

The second paragraph preceding is the only one to be found in the aforementioned report which has relation to the United States of America, and to the end that the same may appear at the request of Mr. S. T. Wallis, special agent of the Government of the United States, and by order of the most excellent secretaries of the Congress, I give these presents, authenticated by the seal of that body, in the Palace thereof, at Madrid, this 4th day of March, 1850.

(Signed,) CLEMENTO ARIAS.
Attest: MONTIN BELDA,
Attest: JULIAN DE HUELLAS.

[Here follows the certificate of Daniel M. Barringer, minister, &c., of the United States.]

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

Defendant's document No. 38.

Despatch from Secretary of State to Cortes, under date of 27th April, 1821.

Primera secretaria del despacho de estado.

Copia de la esposicion dirijida por el Ministro de Estado á las Cortes, en 27 de Abril de 1821.

Ex'mo S'res: Autorizado el Rey por las cortes en la sesion secreta de 5th de Octubre ultimo, para la cesion de las Floridas, estipulada en el tratado de 22 de Febrero de 1819, celebrado con los Estados Unidos, procedio S. M. por su parte á efectuar la ratificacion del espresado tratado, con fecha de 24 de Octubre del año anterior, para remitirla á su ministro en Washington. Al estender la ratificacion conceptus el gobierno que todavia podria ser posible sacar algun partido de las estensas concesiones de tierras hechas en cabeza del Duque de Alagon y Conde de Punon Rostro, á que se hacia referencia en otra resolucion de las cortes, con la misma fecha de 5 de Octubre, mediante que estas concesiones resultaban ser anteriores á la época de 24 de Enero de 1718, (1817,) señalada por el articulo 8° del tratado, y que habiendolas declarado las cortes por insubsistentes con respecto á los donatarios, deberia su importe, en caso de que dar reconocidas por el Gobierno Americano aplicane á la hacienda publica de España. No se resultaban al ministerio de S. M. las dificultades de que los Estados Unidos se prestasen al reconocimiento de dichas concesiones, no tanto porque lo impidiese el contenido de la declaracion de lo de Marzo de 1819, hecha por los respectivos plenipotenciarios que habian firmado el tratado, como porque habiendo espirado el termino de los seis meses estipulados en el

mismo para su ratificacion por parte de S. M., y no habiendo esta tenido efecto dentro del termino señalado, era ya arbitro el Gobierno Americano de retractar la suya, ó de no darla de nuevo, sino con las esplicaciones y adiciones que tuviese por convenientes sobre el contenido del articulo 8o; y porque habia salido por consecuencia, del principal compromiso, en que el constituia el tenor literal del espresado arto. que consistia en la fuerza judical que hubiera tenido en los tribunales de la republica la solicitud de los donatarios, ó la del Gobierno Español subrogado en lugar de la de aquellos; á pesar de esta desventaja se han practicado por el ministerio, cuantas gestiones han sido posibles en el asunto, habiendo dirijido al ministro de los Estados Unidos en esta corte, la nota cuya copia se acompaña bajo el No. 1o, y al ministro de S. M. en Washington las instrucciones que se incluyen bajo el No. 2o; pero circumstancias desgraciadas é inevitables han contribuido á frustrar las halagüenas esperanzas de sacar algun partido en esta transaccion. El correo estraordinario que se despacho inmediatamente con la ratificacion de S. M., tuvo un pasage de mas de cien dias por los temporales propios de la riguresa estacion del invierno que reynan en los mares de America, y entretanto llegó á convencerse mas y mas el Gobierno Americano de que nuestra sitracion no podria permitionos el insister en reclamaciones que comprometiesen ó hiciesen dudosa la ratificacion del tratado por su parte. Los Estados, llamados del oeste de la confederacion, que tienen mas interes en que el territorio de la Republica se estienda hacia Tejas y el Nueva Mejio, que hacia los arenales de las Floridas, empazaron á manifestar sentimiento de que los Estados Unidos hubiesen renunciado por el arto. 3o del tratado á los pretensiones que el lo antique tuvo la Francia, cuando poseia la Luisiana, y que los Estados Unidos habian hecho valer durante el curso de la negociacion para estender los limites de la Luisiana hasta rio Bravo. A esta oposicion politica y peculiar del pais, se agregaron las noticias recibidas en los Estados Unidos de los contratiempos que hemos esperimentado en el Peru, y el disgusto con que han visto los comerciantes Anglo-Americanos el nuevo sistema de aranceles y prohibiciones de nuestras adnanas que perjudican á su agricultura, y á la especie de comercio que hacian con la peninsula y con nuestras provincias de ultramer. En esta situacion el ministro plenipotenciario de S. M. con arreglo á lo que se le prevenia en las mismas instrucciones no creyo! conveniente insister mas sobre el punto de las concesions de tierras, y presentó la ratificacion del Rey, en cuya vista el Presidente de los Estados Unidos, con acuerdo del Senado, apesar que no faltaron en él volos contrarios á la ratificacion, presedio á verificarla, tambien por su parte, y á publicar el tratado en todo el territorio de la Confederacion con la solemnidad correspondiente como ley de Estado. La carta adjunta del ministro de S. M. en Washington y los documentos que la acompañan bajo el No. 3o. instruiran á las cortes de todo lo omrrido desde la llegada del correo Español, portador de la ratificacion é instrucciones, y hasta haberse verificado el cange de las ratificaciones y la promulgacion del tratado por el Presidente, de la cual se acompaña

un ejemplar impreso con el No. 4o. Las cortes advertisan tanto en las instrucciones remitidas á Washington, como en el oficio de aquel ministro plenipotentiario las providecias y disposiciones que se han tomado en consecuencia de la insinuacion de las cortes, asi con respecto á los habitantes Españoles en las Floridas, como con relacion á los estrangeros domiciliados en ellas, sin olvidar tampoco á las naciones Indias que habitan nuestro territorio, habiendose acordado igualmente la translacion de todos los enseres, efectos, y pertenencias que puedan removerse á otros puntos de nuestras provincias de ultramar: Debe ser sensible á S. M. y á las cortes la necesidad inevitable de haber sancionado desmembracion de aquella parte de nuestro territorio aunque en la realidad, habia quedado ya cortado y segregado de la monarquia desde el desgraciado momento en que se cedio la Luisiana, pero al mismo tiempo no puede menos á S. M. de congratularse con las cortes por haber adquirido á costa de este sacrificio otras ventajas considerables para la nacion, cuales son, 1a, la pacifica posesion y propiedad de la provincia de Tejas, con la importante bahia de S. Bernardo, y de una parte de las provincias de Coahuila y Nuevo Santander ó seu el territorio que meda entre el rio Sabinas y el rio Grande de Norte, ó rio Bravo, al cual los Estados Unidos pretendian tener derecho para repentarlos parte de la Luisiana, fundandose en las antiquas pretensiones y en las declaraciones modernas de la Francia, que les favoresin en este parte, y cuyos derechos habia hecho valer incesantemente el gobierno Americano desde el año de 1805, empleando las negociacione hasta que ha renunciado solemnemente á ellos por el art. 3o del presente tratado. 2o. La adquisicion para la España de varios territorios situados á la orilla derecha del rio Arkansas desde que entra en dicho rio la linea divisoria estipulada en el grado 100 de longitud, hasta su nacimiento, cuyo territorio habia pertenecido siempre á la Luisiana como todo el curso del rio Arkansas. 3o. El dar como se ha dado á todo el territorio establecido y poblado en la Nueva España, Nuevo Mejico y Californias, un resguardo de muchas leguas de terreno desierto y despoblado, y ya indisputablemente propio de la nacion Española que nos sirva barrera mas oportuna para evitar invasiones, mientras que se adopta un sistema de defensa y resguardo para acquel la frontera, punto importantisimo de que va á emparse el gobierno seriamente contando para ello con la ilustrada coöperacion de las cortes en la parte que se conceptue y crea ser necesaria. 4a. El haberse eximido la España del pago de las indemnizaciones reclamadas por el gobierno Americano, y reconocidas por el convenio de 1802, procedentes de varios apresamientos y decisiones ilegales de nuestros corsarios, y de nuestros tribunales, y dimanadas de la contradiccion que existia entre la ordenanza de Corve, y lo estipulado en el art. 15 del tratado de 1795. Y 5a. El haberse igualmente terminado el punto mas importante respectivo á las considerables indemnizaciones que se exijian de la España por haber consentido con violacion de su neutralidad que los corsarios Franceses erijidos en tribunales dentro de nuestro territorio, condenasen en ellos un gran numero de buques Americanos,

cuyo importe asciende á sumas crecidas. Por el art. 14 del tratado declare el gobierno Americano que no ha recibido nunca compensacion alguna de la Francia por acquellas perdidas y confiscaciones ilegales, hechas dentro de territorio Español, y que recibiendola ahora de la España por medio del presente tratado facilitare al Gobierno de S. M. una justificacion de las *persas* hechas y de su valor, para que la España pueda hacer de estos documentos el uso que crea justo y conveniente. Este uso debe ser en justicial reclamer su total importe de la Francia, y aunque se conceptue muy dificil, el conseguirlo podra servirnos indudablemente para cancelar y estinguir por via de compensacion cualquier otro credito pecuniario que la Francia pueda tener pendiente ó intentar contra nosotros, por cualquier titulo que sea. En el espresado officio del ministro de S. M. en Washington, y documentos que la acompañan, veran las cortes que el Secretario de Estado Americano ha ofrecido de nuevo la entrega de las espresados certificaciones comprobantes, luego que se halla concluida la liquidacion de su importe. El Rey espera que enteradas las cortes del contenido de la ratificacion del referido tratado, estendida consecuencia de la autorizacion que divron las mismas en su sesion secreta de 5 de Octubre ultimo, y hallandola conforme á ella no encontraran inconveniente alguno por su parte para que mediante á estar tambien ratificado el tratado por el Presidente y Senado de los Estados Unidos, cangeados las ratificaciones y promulgado en el Territorio de la Confederacion, se proceda igualmente en España á su solemne publicacion como ley del estado, á fin de que las autoridades, las tribunales, y los subditos Españoles, enterados del contenido de sus articulos, cumplar y hayan cumplir en la parte que respectivamente les corresponda. Espero que E. E. E. E. lo elevaran todo al conocimiento del Congreso, y que se serviran devolverme los documentos adjuntos, que son originales, para que obren en el espediente de este importante transacion que existe en la secretario de despacho de estado de mi actual cargo. Dios guarde á E. E. E. E. m's a's. Palacio, 27 de Abril de 1821.

(Firmado.) FRANCISCO DE PAULA ESCUDERO.

Srs. Secretarios de las Cortes.

Como ministro de estado certifico, que el escrito que precede este fielmente copiado minuta que existe en el archivo del ministerio de mi cargo; en pruebra de lo cual á instancias del Secretario de la Interior de las Estados Unidos, doy la presente, firmada de mi mano, y sellada con el sello de este ministerio, en Palacio, á trece de Febrero de mil ochocientos cincuenta. PEDRO PIDAL.

Translation of Defendant's document No. 38.

Department of State.

Copy of the exposition directed by the Minister of State to [the Cortes,] April 27th, 1821.

MOST EXCELLENT SIR: The King having received authority from the cortes, in this second session of the 5th of October last, for the

cession of the Floridas, stipulated in the treaty of February 22d, 1810, entered into with the United States, his Majesty proceeded on his part to carry into effect the ratification of said treaty, under date of October 24th, of the year last past, in order to remit it (the ratification) to his minister in Washington. In making out the ratification the Government conceived that it might still be possible to turn to some account the extensive grant of lands made to the Duke of Alagon and Count of Punon Rostro, which was referred to in another resolution of the cortes under the same date of October 5th, was, much as the said grant turned out to be prior to the date of January 24th, 1818, specified in the 8th article of the treaty, and the cortes having declared them to be null as respects the *gaurantees*, their value in the case of their being recognised by the American Government, would have to be appropriated to the public treasury of Spain.

The ministers of his Majesty did not overlook the difficulties in the way of a recognition of said grants by the United States, not merely because of the obstacles presented by the contents of the declaration of March 10th, 1819, made by the respective plenipotentiaries who had signed the treaty, but because the term of six months stipulated in the same for its ratification on the part of his Majesty has expired without a compliance on his part, and the American Government was left entirely free to withdraw its own ratification, or to refuse to give it anew, except with the explanation and addition which it might deem proper and just in reference to the contents of the 8th article; and further, because the American Government has escaped from the main embarrassment in which it has been placed by the literal tenor of said article, namely, the judicial force which the claim of the donors would have had in the tribunals of the Republic, or that of the Spanish Government, subrogated in place of them of the United States; notwithstanding this disadvantage the ministry has made every possible effort in the premises, having directed to the minister of the United States at this court the note, a copy of which is transmitted herewith, under No. 1, and to the minister in Washington of his Majesty, the instructions enclosed, under No. 2. Unhappy and inevitable circumstances have contributed, however, to frustrate the hope of turning this transaction to advantage. The extraordinary messenger who was despatched immediately with the ratification of his Majesty, had a passage of more than an hundred days, in consequence of the storms usual in the American seas in the severe winter seasons; and the American Government, in the mean while, grew more and more convinced that our situation would not allow us to insist upon claims (reclamations) which might embarrass, or render doubtful, the ratification of the treaty on their part. The Western States of the confederacy, which have greater interest that the territory of the Republic should be extended towards Texas and New Mexico than towards the lands of the Floridas, they began to manifest a disposition that the United States would renounce the 3d article of the treaty to the pretensions which France in former days entertained when she possessed Louisiana,

whose value the United States caused to be enhanced during the course of the negotiation, to extend the limits of Louisiana as far as the Rio Grand. To this peculiar and political opposition of the country, added to the news received in the United States of the calamities which we have experienced in Peru, and the dislike with which the Anglo-American merchants have received the new system of tariffs and prohibitions of our custom-houses, which prejudice their agriculture and the species of commerce which they carry on with the peninsula and our ultra-marine province.

In this situation the minister plenipotentiary of his Majesty, in conformity with the tenor of his instruction, deemed it no longer fitting to insist upon the period of the grant of land, and presented the ratification to the King. In view whereof the President of the United States, with the consent of the Senate, (though some votes opposed to the ratification were not wanting in that body,) proceeded to ratify the treaty also on his part, and to publish it with the corresponding solemnity in all the Territories of the Confederation as a law of the State.

3d. The giving, as it has given, to all the Territories, settlers, and population in New Spain, New Mexico, and the Californias, a protection of many leagues of a desert and wild country, and more *indispitally* belonging to the Spanish nation, which serves as an effectual barrier to avoid invasions, while a system of defence and protection is adopted to the frontier, being an important point on which the Government is earnestly to be engaged, depending upon the enlightened coöperation of the cortes, in so far as it may be deemed advisable, and believed to be necessary.

4th. In having exempted Spain from the payment of indemnity claimed by the American Government, and acknowledged by the convention of 1802, arising from several reprisals of our proctors, and the illegal *desissions* of our tribunals, and caused by the contradiction which existed between the ordinances relating to cruising, and what is stipulated in the article 15th of the treaty of 1795.

And, 5th, of having settled the most important point in relation to the large indemnities that were claimed from Spain for having allowed, in violation of its neutrality, that the French protection should succeed before the tribunals within our territory to condemn a large number of American vessels, whose value amounts to large sums. By the 14th article of the treaty, the American Government declares never to have received any compensation from France for those losses and illegal confiscations made within the Spanish territory, and the recieving of them now from Spain by the present treaty, will afford to the Government of his Majesty a justification of the price made, and of their value, so that Spain make such use of these documents as she may deem just and proper.

This use ought to be in justice the claiming of its total amount from France, and although it may be thought to obtain the same it may undoubtedly enable us to cancel and extinguish by way of compensation,

any other pecuniary credit France may have pending, or which they intend to make, against us by any means whatsoever.

For the aforesaid official communication from the minister of his Majesty, and documents accompanying the same, the cortes will perceive that the American Secretary of State has offered again the delivery of said certified vouchers as soon as the liquidation of its amount shall have been concluded.

The King hopes that the cortes, possessing themselves of the contents of the ratification of the aforesid treaty, made out (the ratification) in consequence of the authorization which they themselves gave in secret session of the 5th of October last, and finding said ratification in conformity with that authorization, will on their part, in view of the fact that the treaty has been ratified by the President and Senate of the United States, that the ratifications have been exchanged, and that the treaty has been promulgated in the Territory of the Confederation, see no objections to proceeding in like manner in Spain, to its solemn publication as a law of the State, in order that the Spanish authorities, tribunals, and subjects, being informed of the contents of its articles, may observe the same, and cause the same to be observed in so far as respectively may appertain to them.

I hope your excellency will lay the whole before Congress, and will be pleased to return to me the accompanying documents which are original, in order that they may form a part of the record of this important transaction existing in the Department of State, which is at present under my charge.

God preserve your excellency many years. Palace, 27th April, 1821.

(Signed) FRANCISCO DE PAULE ESCUDERIO.

To the Secretarios of the CORTES.

As minister of state I certify, that the writing which goes before is faithfully copied from the minutes which exist in the archives of the department under my charge.

In testimony whereof, at the request of the agent of the Secretary of of the Interior of the United States, I give these presents, signed by my hand, and sealed with the seal of this department, at the Palace, this 13th day of February, 1850.

[SEAL OF STATE.]

(Signed) PEDRO J. PIDAL.

[Here follows the certificate of Daniel M. Barringer, minister, &c., of the United States.]

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States, near the court of her catholic Majesty, do hereby certify, that the certificate aforegoing of his excellency, the

Marquis of Pidal, first secretary of state of her catholic Majesty, given at the request of the Secretary of the Interior of the United States, is genuine, in due form, and by the proper officer.

And I do further certify, that the instrument of writing to which the same is annexed, is a true copy of the original from which it purports and is certified to have been taken, and which exists among those public records of the kingdom of Spain, whereof the individual so certifying has official custody.

In testimony whereof, I have set my hand and affixed the seal of this legation, this 22d day of February, A. D. 1850.

D. M. BARRINGER.

And the defendant also offered and read in evidence the following document, marked and numbered as Document No. 39.

Being a copy of the secret proceedings of the Cortes of May 11th, 1821.

Defendant's document No. 39.

Copia del acta de la sesion secreta celebrado por las cortes el dia 11 de Mayo de 1821, tomada de la ministro del archivo de las mismas cortes, incorporado en el de esta secretaria.

El encargado del despacho de la secretaria de estado, en una memoria con varios documentos originales, cuya devolucion pide da cuenta de haber el Rey ratificado el tratado, celebrado en 22 de Febrero de 1819, con los Estados Unidos para la cesion de las Floridas, y que espera S. M. que hallando las cortes dicha ratificacion conforme á la autorizacion que dieron al intento inconbraran inconveniente alguno por su parte, para que medianto estar tambien ratificado el tratado por el Presidente y Senado de los Estados Unidos, cangeadas las ratificaciones, y promulgado en el territorio de la Confederacion, se proceda igualmente en España á su solemne publicacion como ley de Estado, á fin de que las autoridades, los tribunales y los subditos Españoles, enterados del contenido de sus articules los cumplan, y hagan cumplir, en la parte que respectivamente les corresponda.

Al margen hay una nota rubricado, que dice: "A la comision de politica." Nota. Se acompañan los antecedentes en que entendio la comision de politica.

Como ministro de estado certifico, que el escrito que precede esta fielmente copiado de la minuta que existe en el archivo del ministerio de mi cargo; en prueba de lo cual, á instancias del Secretario de lo Interior de los Estados Unidos, doy la presente, firmada de mi mano, y sellado con el sello de este ministerio, en Palacio, á trece de Febrero de mil ochocientos cincuenta.

PEDRO J. PIDAL.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States of America, near the court of her catholic Majesty, do hereby certify, that the certificate aforegoing, of his excel-

lency the Marquis of Pidal, first secretary of state of her catholic Majesty, given at the request of the Secretary of the Interior of the United States, is genuine, in due form, and by the proper officer.

And I do further certify, that the instrument of writing to which the same is annexed, is a true copy of the original from which it purports and is certified to have been taken, and which exists among the public records of the kingdom of Spain, whereof the individual so certifying has official custody.

In testimony whereof I have hereto set my hand, and affixed the seal of this legation, this 22d day of February, A. D. 1850.

D. M. BARRINGER.

No. 12.

Translation of defendant's document No. 39.

State Department.

Copy of the record of proceedings of the secret sessions held by the cortes on the 11th day of May, 1821, taken from the minutes of these archives incorporated into them of this department.

The acting secretary of state, in a report accompanied with various original documents, which he asks may be returned, gives an account of the King's having ratified the treaty entered into on the 22d of February, 1817, with the United States for the cession of the Floridas, and express the hope of his Majesty, that finding the said ratification in conformity with the authorization which they gave for that purpose, the said treaty having likewise been ratified by the President and Senate of the United States, the ratification thereof exchanged, and the treaty promulgated in the territory of the Confederation, the cortes will see no objection on their part to proceeding, in like manner in Spain, to its solemn promulgation as a law of the State, to the end that the authoritive tribunal and subjects of Spain, being informed of the contents of its articles, may observe them respectively it may appertain.

On the margin there is a note, with a rubric (flourish,) which says: "To the committee on political affairs." Note. The document considered by the committee on political affairs accompanied the above.

As minister of State I certify, that the aforegoing writing is faithfully copied from the minutes which exist in the archives of the ministry under my charge.

In testimony whereof, at the request of the Secretary of the Interior of the United States, I give these presents; signed by my hand, and sealed with the seal of this ministry, at the Palace, February 13th, 1850.

[SEAL OF STATE.] (Signed) PEDRO J. PIDAL.

[Here follows the certificate of Dan'l M. Barringer, minister, &c., of the United States.]

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE, *Translator.*

And the defendant also read in evidence the following document, marked and numbered Defendant's document No. 40, being a report of a committee of the cortes, of 27th May, 1821.

Defendant's document No. 40.

[TRANSLATION.]

DEPARTMENT OF STATE.

Copy of the report (or resolution) of the committee of the cortes on political affairs, presented in secret session of May 27, 1821, in regard to the publication of the treaty of cession of the Floridas, taken from the minutes from the archives of the cortes themselves incorporate into those of this department.

Martinez de la Rosa Clemencon, Diaz de Moral Victoria Tamez, Zonchilla Quipo Mesan Torreno.

Congress in secret session of October 5th, in the year last past, gave authority to the King for the cession of the Floridas, stipulated in the treaty of February 22d, 1819, entered into with the United States, and his Majesty having ratified the same in virtue of said authority, (authorization,) the Secretary of the State, (ad interim,) Don Francisco de Paula Esendero, made known to the cortes the contents of the ratification, in order that if the same shall be found in conformity with these resolutions in the premises, the said treaty may be published in Spain with the accustomed solemnity, and as already has been done in the territory of the Confederation.

The committee on political affairs in compliance with the order of the cortes of the 11th of the present month, have examined anew the treaty, the exchange of ratifications, the authorization by Congress for the cession of the Floridas, and the rest of the documents relating to this affair, and no manner of objection having presented itself, the committee are of opinion, that the cortes commanding the original documents which have been remitted to them for their information, and which should remain in the Department of State, to be returned, should make known to the Government that in consideration of their finding no objection whatever, so far as they are concerned, to the publication of said treaty, the Government may proceed to make the same, using the following form as most in keeping with our institutions, preserving the powers of Congress in their integrity, and at the same time leaving inviolate the prerogatives of his Majesty.

DON FERDINAND VII, &c., &c.

Know ye, whereas, by virtue of the powers reposed in me by the constitution and with the previous authorization from the cortes, for the cession of territory, I have thought fit to ratify the treaty entered into with the Republic of the United States of America, in February 22d, 1819, whose literal tenor is as follows. (Here [insert] the treaty.) Therefore we command, &c., &c.

Inasmuch as the cortes, in the aforementioned cession of the 5th of October last, declared null with respect to the decrees the extensive donations made to the Duke of Alagon and Count Punon Rostro, and charged the Government to make the most out of the said grants for the benefit of the public treasury of Spain, in case they should be recognised by the American Government, the committee, although regretting to be what is unpleasant to Congress, cannot avoid disclosing that the result of the charge aforementioned has not fulfilled the just intentions of the legislature, notwithstanding the vigorous efforts which the Government of his Majesty has employed, as the committee has seen from the note directed by the Secretary of State to the minister of the United States, at this court, and the exertions made by the minister of his Majesty, in Washington, in pursuance of the detailed and luminous instructions transmitted to him with that view. The reason resorted to by our plenipotentiary to overcome the tenacity of the American Government having been futile and [the] Government sustained by unfortunate circumstances, but little advantageous to our position, having obstinately refused every proposition for an adjustment (compromise) in regard to the grant of land already mentioned, our plenipotentiary found himself under the necessity of ceasing to insist upon this point, lest he should peril the principal object, and he delivered the simple ratification by the King, in view of which the President of the United States, with the consent of the Senate, (although there were not wanting in that body votes opposed to the ratification,) proceeded to ratify the treaty upon his part, and to publish it throughout the territory of the Confederation, with the proper solemnity as the law of the State.

As the cortes likewise recommended to the Government the interests of the inhabitants of the Floridas, the committee have noticed in the instructions transmitted to Washington, as well as in a despatch from the minister plenipotentiary, the measures and precautions which have been adopted in consequence of the suggestions of the Congress, with respect to the Spanish inhabitants, as well as the foreigners domiciliated there, without forgetting the Indian nations within the territory, the removal of all the effects, goods, and property which can be transported to other points of our colonies, having been provided for. Taking into consideration what has thus been stated, the committee are of opinion, that the cortes, expressing themselves satisfied with the zeal with which the Government has fulfilled their recommendations, should say to it (the Government) that it may proceed to the solemn publication of the

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE, *Translator.*

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The committee on political affairs in compliance with the order of the cortes of the 11th of the present month, have examined anew the treaty, the exchange of ratifications, the authorization by Congress for the cession of the Floridas, and the rest of the documents relating to this affair, and no manner of objection having presented itself, the committee are of opinion, that the cortes commanding the original documents which have been remitted to them for their information, and which should remain in the Department of State, to be returned, should make known to the Government that in consideration of their finding no objection whatever, so far as they are concerned, to the publication of said treaty, the Government may proceed to make the same, using the following form as most in keeping with our institutions, preserving the powers of Congress in their integrity, and at the same time leaving inviolate the prerogatives of his Majesty.

DON FERDINAND VII, &c., &c.

Know ye, whereas, by virtue of the powers reposed in me by the constitution and with the previous authorization from the cortes, for the cession of territory, I have thought fit to ratify the treaty entered into with the Republic of the United States of America, in February 22d, 1819, whose literal tenor is as follows. (Here [insert] the treaty.) Therefore we command, &c., &c.

Inasmuch as the cortes, in the aforementioned cession of the 5th of October last, declared null with respect to the decrees the extensive donations made to the Duke of Alagon and Count Punon Rostro, and charged the Government to make the most out of the said grants for the benefit of the public treasury of Spain, in case they should be recognised by the American Government, the committee, although regretting to be what is unpleasant to Congress, cannot avoid disclosing that the result of the charge aforementioned has not fulfilled the just intentions of the legislature, notwithstanding the vigorous efforts which the Government of his Majesty has employed, as the committee has seen from the note directed by the Secretary of State to the minister of the United States, at this court, and the exertions made by the minister of his Majesty, in Washington, in pursuance of the detailed and luminous instructions transmitted to him with that view. The reason resorted to by our plenipotentiary to overcome the tenacity of the American Government having been futile and [the] Government sustained by unfortunate circumstances, but little advantageous to our position, having obstinately refused every proposition for an adjustment (compromise) in regard to the grant of land already mentioned, our plenipotentiary found himself under the necessity of ceasing to insist upon this point, lest he should peril the principal object, and he delivered the simple ratification by the King, in view of which the President of the United States, with the consent of the Senate, (although there were not wanting in that body votes opposed to the ratification,) proceeded to ratify the treaty upon his part, and to publish it throughout the territory of the Confederation, with the proper solemnity as the law of the State.

As the cortes likewise recommended to the Government the interests of the inhabitants of the Floridas, the committee have noticed in the instructions transmitted to Washington, as well as in a despatch from the minister plenipotentiary, the measures and precautions which have been adopted in consequence of the suggestions of the Congress, with respect to the Spanish inhabitants, as well as the foreigners domiciliated there, without forgetting the Indian nations within the territory, the removal of all the effects, goods, and property which can be transported to other points of our colonies, having been provided for. Taking into consideration what has thus been stated, the committee are of opinion, that the cortes, expressing themselves satisfied with the zeal with which the Government has fulfilled their recommendations, should say to it (the Government) that it may proceed to the solemn publication of the

treaty, in order that the Spanish authorities, tribunals, and subjects being informed of the contents of its articles, may observe the same, and cause them to be observed so far as to them respectively may appertain.

The cortes will determine upon the whole what may be most suitable.

MADRID, 18*th of May*, 1821.

Here follows nine rubrics (flourishes) of the gentlemen named in the margin.

As minister of state, I certify, that the foregoing is faithfully copied from the minutes which exist in the archives of the departments under my charge.

In testimony whereof, at the request of the Secretary of the Interior of the United States, I give these presents, signed by my hand and sealed with the seal of this department, at the Palace, this 13th day of February, 1850.

(Seal of State.)

(Signed) PEDRO J. PINAL.

[Here follows the certificate of Daniel M. Barringer, minister, &c., of the United States.]

Defendant's document No. 41.

Despatch from the Cortes to Secretary of State, 23d May, 1821.

Copia de un oficio de las cortes de 23 de Mayo de 1821, remitiendo al gobierno el decreto para la solemne publicacion de tratado de las Floridas, tomado de la minuta del archivo de las mismas cortes, incorporado en el de esta secretaria.

EX'MO SEÑOR: Habiendo examinado detenidamente la exposicion del antecesor de V. E. de 27 de Abril proximo pasado, y los documentos con que la acompañaba, las cortes le han servido expedir el adjunto decreto para la solemne publicacion del tratador sobre la cesion de las Floridas, declarando al propio tiempo que se hallan satisfechas del celo con que el gobierno ha procedido en este asunto, y esperando que continuara haciendo los mayores para sacar todo el partido posible en favor de los acreedores de la nacion. De orden de las mismas lo comunicamos á V. E. con devolucion de dichos documentos, á fin de que se sirva elevarlo á noticia de S. M. para los expectos consiguientes. Dios, &a.

Copia del decreto.

Las cortes habiendo examinado la propuesta de S. M., para que asi como se ha promulgado en el territorio de la Confederacion, se proceda iqualmente en las Españos á la solemne publicacion como ley del estrado sobre cesion de las Floridas, celebrado con la Republica de los

Estados Unidos de America, ratificado por S. M. en virtud de la especial autorizacion de las cortes, y por el Gobierno de dichos Estados Unidos, cuyas ratificaciones se hallan ya cangeadas, han aprobado que á fin de que las autoridades, los tribunales, y los subditos Españoles enterados del contenido de sus articulos, los complan y hagan cumplir en la parte que respectivamente les corresponda, se proceda á la solemne publicacion del tratado enferido adoptandose al efecto la formula siquiente: D. Fernando septimo, &a., sabed. Como en virtud de las facultades que me concede la constitucion y preiza la autorizacion de las cortes, para la cesion de territorio, he tenido á bien ratificar el tratado celebrado con la Republica de los Estados Unidos de America, en 22 de Febrero de 1819, cuyo tenor és el siguiente, (aqui el tratado, segun esta ratificado;) por tanto mandamos, &a. Madrid, veinte y tres Mayo de mil ochocientos veinte y uno.

Como ministro de estado certifico, que los escritos que preceden estan fielmente copiados de las minutas que existen en el archivo del ministerio de mi cargo; en prueba de lo cual, á instancias del Secretario de lo Interior de los [Estados] Unidos, doy la presente, firmada de mi mano, y sellada con el sello de este ministerio, en Palacio, trece de Febrero de mil ochocientos cincuenta.

PEDRO J. PIDAL.

No. 17.

(*Translation.*)

Department of State.

Copy of an official communication from the cortes of May 23d, 1821, transmitting to the Government the decree for the solemn publication of the Florida treaty, taken from the minutes from the archives of the cortes themselves, incorporated in this department.

MOST EXCELLENT SIR: Having deliberately examined the expositions of your excellency's predecessor of the 27th of April last past, as well as the documents which accompanied it, the cortes have been pleased to pass the annexed decree for the solemn publication of the treaty concerning the cession of the Floridas, declaring at the same time that they are satisfied with the zeal with which the Government has proceeded in this matter, and expressing the hope that it (the Government) will continue using its utmost efforts to procure the best possible advantages for the creditors of the nations.

By order of the cortes themselves, we communicate this to your excellency (returning the documents before mentioned) in order that your excellency may be pleased to lay it before his Majesty for the purposes corresponding. God, &c.

Copy of the decree.

The cortes having examined the proposition of his Majesty for proceeding with the solemn publication in the dominions of Spain, as a

law of the State, of the treaty concerning the cessions of the Floridas, made with the Republic of the United States of America, in the same manner as the said treaty has been promulgated in the territory of the Confederation. Said treaty having been ratified in virtue of the special authorization of the cortes, and likewise by the Government of the United States, which said ratifications have been already exchanged.

The cortes have approved, (enacted,) that in order that the authorities, tribunals, and subjects of Spain, being informed of the contents of the articles thereof, may observe, and cause to be observed, the same in so far as to them, respectively, may appertain. The solemn publication of said treaty be proceeded with, adopting to that effect the following form:

DON FERDINAND VII, &c.

Know ye, that in virtue of the power before in me by the constitution, and with the previous authorization from the cortes for the cession of the territory, I have thought fit to ratify the treaty entered into with the Republic of the United States, on February 22d, 1819, the tenor whereof is as follows:

Here the treaty according as it is ratified; therefore, we commend, &c.

Madrid, May 23d, 1821.

As minister of state, I certify the writings aforegoing are faithfully copied from the minutes, which exist in the archives of the department under my charge. In testimony whereof, at the request of the Secretary of the Interior of the United States, I give these presents, signed by my hand and sealed with the seal of this department, at the Palace, this 13th day of February, 1850.

[Seal of State.] (Signed,) PEDRO J. PINAL.

[Here follows the certificate of Daniel M. Barringer, minister, &c., of [the] United States.]

I do hereby certify that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States, near the court of her catholic Majesty, do hereby certify, that the certificate aforegoing of his excellency, the Marquis of Pidal, first secretary of state of her catholic Majesty, given at the request of the Secretary of the Interior of the United States, is genuine, in due form, and by the proper officer.

And I do further certify, that the instruments of writing to which the same is annexed are true copies of the original from which they pur-

port and are certified to have been taken, and which exist among those public records of the kingdom of Spain, whereof the individual so certifying has official custody. In testimony whereof I have hereunto set my hand and affixed the seal of this legation, this 22d day of February, A. D. 1850.

D. M. BARRINGER.

And defendant also read in evidence the following document, marked and numbered as Defendant's document No. 42, being an application of Nicholas Garrido to Gov. Coppinger for leave to sell, &c.

Defendant's document No. 42.

Application of Don Nicolas Garrido, attorney of Duke of Alagon, to Governor of East Florida for leave to sell land, dated 3d August, 1818:

SEÑOR GOVERNADOR: Dn. Nicolas Garrido, residente en este plaza, apoderado del ex'mo Señor Duque de Alagon, con el respeto devido á V. S. expone: Que por rl. cedula de 6 de Febrero ultimo, que ecrivio á V. S. en Junio subsequente, se acredita la rl. gracia que en 17 de Diciembre de 1817, tubo á bien hacer S. M. al citado ex'mo Sor. de todo el terreno inculto que no se hallase cedido en esta Florida oriental, bajo los limitos que se espresar en plena propriedad, para si y sus herederos, de ql. tomo formal posecion en 27 del referido Junio. Y mediante á que para que emprehender las projectos ql. S. E. se propone y atender á los precisos gastos que han occurido, y deberan occurir en el curso de esta comision, se requieren fundos y medios de ql. se halla és caso este pais absolutamente, ha determinado para atender á tan interesante objeto vender cierta porcion de dichas tierras en la cantidad de ochenta mil acres, cuyo numero tiene contratado con Dn. Pablo Dupan, hacen dado de esta provincia, por tanto y siendo una de las clausulas ql. contiene dha. real cedula, el que V. S. auxilie eficamente la execucion de la espresada gracia, tomando todas las disposiciones ql. se dirigan á su debido efecto, á V. S., suplica se serva mandar que el escribano de govierno formalice la correspondiente escritura de venta, con toda la solemnidad á favor del prescripto Dupan, cuya gracia espera de la justificacion de V. S. St. Agustin de la Florida, 3 de Agosto de 1818.

(Signed,) NICOLAS GARRIDO.

San Agustin en la Florida, 3 de Agosto de 1818, otorguese la escritura ql. se pide, en consecuencia de la rl. or'n que se cita.

(Syno,) COPPINGER.

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office at the city of St. Augustine, (Seal K. P. A.) State of Florida, this 11th day of November, A. D. one thousand eight hundred and forty-seven.

ANTONIO ALVAREZ, *K. P. A.*

Translation No. 42.

Señor GOVERNOR: Don Nicolas Garrido, a resident of this place, attorney of his excellency, the Duke of Alagon, with respect due to your excellency, represents: That by a royal decree of the sixth of February last, which he exhibited to your excellency in the subsequent June, the royal favor is manifested which, on the 17th of December, his Majesty was pleased to confer upon his said excellency, of all the uncultivated lands not already granted in East Florida, under the limits which are laid down, in absolute property for himself and his heirs, of which he took formal possession on the 27th of said June; and in view of which, for the purpose of undertaking the projects which his excellency proposes, and of meeting the necessary expenses which have been incurred, and which must hereafter occur, in the course of his commission, funds and means are required, of which this country is absolutely destitute, he has determined, for the purpose of meeting so essential an object, to sell a certain portion of said lands to the amount of eighty thousand acres, which number he has bargained to sell to Don Pablo Cassor, a settler in this province; wherefore, it being provided in one of the clauses of said royal decree that your excellency give efficient aid in carrying said favor into execution, by taking all the necessary measures to carry the same into effect—

He prays your excellency that he will be pleased to command the escribano of the Government [to] execute in form the necessary instrument of sale, with all solemnity, in favor of the aforesaid Cassor; which favor he hopes from the justice of your excellency.

St. Augustine of Florida, 3d of August, 1818.

"Signed," NICOLAS GARRIDO.

St. Augustine of Florida, 3d of August, 1818.

Let the instrument be granted which he solicits, in pursuance of the royal order which is cited.

"Signed," COPPINGER.

I do hereby certify that the foregoing is a true and correct translation of the document hereto annexed. St. Augustine, Florida, January 4th, 1848.

JOHN M. FONTANE,
Special translator, district court, United States, northern district Florida.

And the defendant also offered in evidence the following document, numbered and marked as Defendant's document No. 43, being copy of deed from Don Nicolas Garrido, att'y of Duke of Alagon, to Patrick Lynch, dated 8th August, 1819.

Defendant's document No. 43.

Know all men, that I, Nicolas Garrido, attorney in fact for his excellency, the Duke [of] Alagon, for a full and valuable consideration, have sold, aliened, and conveyed, and do hereby sell, alien, and convey, unto Patrick Linch, a subject and inhabitant of this province, three hundred thousand acres of land in East Florida, in places to be selected by him or his assigns, within the limits of the Duke of Alagon's grant, in plots or tracts containing not less than fifteen thousand acres each; to have and to hold, to him, his heirs and assigns, forever, in fee simple or absolute property.

And I do warrant and defend the same to the said Patrick Linch, and his assigns, from and against all persons whatsoever. This title is however to be conditional, and have no further [force] than so far as the agreement bearing the same date herewith is complied with, in whole or in part, by the purchasers.

In witness whereof I have hereunto set my hand and seal at St. Augustine, this eighth day of August, one thousand eight hundred and nineteen.

(Signed) NICOLAS GARRIDO.

In presence of—
(Signed) WM. M. GIBSON,
(Signed) MANUEL DE ZUESLER.

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a pure and correct copy of the original on file in my office.

Witness my hand and seal of office, at the city of St. Au-
[SEAL.] gustine, State of Florida, this eleventh day of November, A. D. one thousand eight hundred and forty-seven.

ANTONIO ALVAREZ, *K. P. A.*

And the defendant also offered in evidence the following document, numbered and marked as No. 44, being copy of a contract between Don Nicolas Garrido, att'y of Duke of Alagon, and Patrick Linch.

Defendant's document No. 44.

Contract.

The purchaser of purchasers shall pay one dollar per acre for each of said plots or tracts; the amount of which to be paid in four equal instalments, not exceeding in the whole two years.

The first instalment to be paid immediately on the publication in the United States of the ratification of the treaty in Spain, according to the manner already confirmed in the Senate of the United States, that is, as relates to the Duque of Alagon's grant.

Should the King of Spain admit the additional article which will annul the Duke's grant, or should it not be confirmed, he, the Duke,

will then cede, and in that event does cede, the three-fourths of the same to the purchaser and his assigns, for their trouble in reclaiming it of Congress or by law.

The said one-fourth part or first instalment to be paid in specie or U. States bank bills, as soon as the approbation of the American Government is obtained to the whole state, without any discount or deduction whatever.

Dated at St. Augustine, this eighth day of August, eighteen hundred and nineteen.

(Signed,) P. LINCH,
(Signed,) NICOLAS GARRIDO.

I, Antonio Alvarez, keeper of the public archives of East Florida, do certify the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office, at the city of St. Augustine, State of Florida, this eleventh day of November, A. D. one thousand eight hundred and forty-seven.

ANTONIO ALVAREZ, *K. P. A.*

And the defendant also offered in evidence the following document, marked and numbered as defendant's document No. 45, being a petition of P. Lynch to Governor of East Florida, dated 17th Dec., 1819.

Defendant's document No. 45.

Petition of P. Lynch to Gov. of East Florida.

Sor Gobernador: Don Patricio Linch, de esta vecindad, con el respeto devido á V. S. expone, que para los fines que le convengan necesita que los adjuntos documentos originales, con su traduccion al Castellano, referentes á su contrato condicional sobre tierras hecho por el exponente con Don Nicolas Garrido, apoderado del ex'mo Sr. Duque de Alagon, se archiven y registren en el protocolo de escrituras publicas, y ql. fha. se ministren al exponente los testimonios que pudiere autorizados en forma por tanto.

A. V. S. suplica se sirva mandar como solicita, cuya gracio espera de la justificacion de V. S. San Agn. de la Florida, 17 de Diciembre de 1819.

(Signed,) P. LINCH.

San Agustin, 17 de Diciembre de 1819, como lo pide.
(Signed,) COPPINGER.

Ante mi,
(Signed,) JUAN DE ENTRALGO.

En San Agustin, en el mismo dia, mes, y año, notifiqué el decreto que antecede á Dn. Patricio Linch.
(Signed,) ENTRALGO.

En. dho. dia lo hice notorio á Don Nicolas Garrido; doy fée.
(Signed,) ENTRALGO.

I, Antonio Alvarez, keeper of the public archives of East Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in my office.

Witness my hand and seal of office, at the city of St. Augustine, [SEAL.] State of Florida, this eleventh day of November, A. D. one thousand eight hundred and forty-seven.

(Signed,) ANTONIO ALVAREZ, *K. P. A.*

Translation of defendant's document No. 45.

Señor governor: Don Patricio Linch, of this place, with the respect due to your excellency, says, that for purposes which may suit his interests, he requires that the original documents annexed, together with their translation in Spanish, relating [to] a conditional contract, respecting lands, entered into by the petitioner with Don Nicolas Garrido, attorney of his excellency, the Duke of Alagon, be filed and registered in the protocol of public instruments, and that when so due, copies of the same, duly certified, which he may ask for, be issued to him.

Wherefore, he prays your excellency to order to be done as he solicits, which favor he hopes to obtain from the justice of your excellency.

St. Augustine of Florida, 17th of December, 1819.
(Signed,) P. LINCH.

St. Augustine, 17th December, 1819. The prayer is granted.
(Signed,) COPPINGER.

Before me,
(Signed,) JUAN DE ENTRALGO.

In St. Augustine, on the same day, month, and year, I notified Don Patricio Linch of the foregoing decree.
(Signed,) ENTRALGO.

On the same day I notified Don Nicolas Garrido of the same.
Attest:
(Signed,) ENTRALGO.

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

St. Augustine, Fla., January 4th, 1848.
JOHN M. FONTANE,
Special translator, dist. court U. States, northern dist. Florida.

The defendant then called Antonio Alvarez, and proved by him, that witness had been from the year 1807 up to the cession of the Florida to the United States, employed in the office of the secretary of the

Spanish provincial government of East Florida, part of the time for the year 1815, as chief clerk in that office. The defendant offered to propound to said witness the following question: "What was the practice of the Spanish Government in the grant and administration of crown *laws* in Florida?" But to the admissibleness of such a question, and of the testimony thereby sought, the plaintiff excepted, and the court overruled the exceptions, the plaintiff having written [the] benefit of said exception, and insisting thereon, and then said Alvarez, the witness answering said question, gave evidence that individuals who wished to obtain lands, applied by petition to the Governor of Florida, and if granting the petition the Governor would
leaving it to the surveyor general. The Governor (each one as he thought proper) made his own rules for such cases of grants; the practice of obtaining grants applied only to inhabitants of Florida wanting lands, and not to inhabitants of Spain. Witness supposes the latter would apply to the King; recollects of only four applications by persons not inhabitants of Florida; one was of one Gios, who applied to the King; the others of one Richard R. Keene; and of one Miller T. Smith, who applied to the Captain General of Cuba, and of one De La Torre, who applied to the King; remembers no other cases; and witness gave in evidence abstracts of the papers in said cases, which are as follows, and which, by consent of parties, are admitted in lieu of the papers at length.

Defendant's document No. 46.

Por la secretaria de estado y del despacho de hacienda, se me ha dirigido un memorial que presentó el consejo de regencia, Dn. Christobal Gios, natural de la Nueva Orleans, sobre proyecto de poblar parte de la costa de esa provincia; y acompaño á V. S. copia de el, para que en vista de lo que espone me informe V. S. lo que se le ofresca sobre cada particular; á fin de dar cumplimiento á lo que se me previene por el espresado ministro.

Dios guarde á V. S. muchos años. Habana y Marzo 29 de 1811.

(Signed) EL MARQUES DE SOMERUELOS.

Señor Gobernador de la Florida Oriental.

I certify the foregoing to be [a] true copy of the original on file in the office of the surveyor general of Florida. St. Augustine, 17th May, 1852. ANTONIO ALVAREZ.

Señor: Dn. Cristobal Gios, natural de Nueva Orleans, y piloto particular de la carnera Yndias, con el mayor respeto á V. M. hace presente, que en vista del abandono y despoblacion en que se halla la Florida oriental, y sobre todo su costa occidental, y de las grandes ventajas, politicas y comerciales, que ofrecerian á la nacion unos establecimientos de pesca y agricultura, solidamente fundados en ella, hace tiempo que habia meditado pasar á fijarse y poblar aquellos dominios, movidos de los datos y motivos siguientes:

1a. Esta Provincia lindera con el seno Mejicano y los Estados Unidos, posee dos puertos principales, que son la bahia de Espiritu Sto. y bahia y puerto Carlota, y Sn. Carlos, que ocupados por vasallos de V. M., servirian de puntos de defensa y reunion de fuerzas contra cualquier enemigo que intentare contraer hostilidad contra vuestros dominios en el seno Mejicano, y principalmente la nacion Anglo-Americana, que por su codicia y anhelo de estender sus poseciones, siempre ha estado y está con la mira de apoderarse de las Floridas, habiendose ocsificado yá en parte sus deseos en la compra de la Luisiana, tan vilmente cedida al tirano de la Europa, y por el vendida á esta nacion. La espedicion de Miranda, y la premeditada de Aron Burr contra vuestras Americas, confirman evidentemente estas sospechas, y para evitar iguales tentativas, seria conveniente contar algun dia con las fuerzas reunidas de estos puertos y los de la Habana, Panzacola, y Vera Cruz, para dominar este golfo y defender nuestras pocesiones. De este modo se impediria tambien el mandar fuerzas á la Nueva Orleans, cuando fuese necesario; y se podria bloquear el rio Misissipi, y aun la entrada del lago San Juan, á menos de dos leguas de distancia de la misma ciudad; pues los puertos de la Habana y las Floridas son verdaderamente las llaves de nuestras Americas.

2a. La civilizacion de los Yndios és un objeto de la mayor atencion, para aumentar de este modo las fuerzas de la provincia; y para acelerar la union y correspondencia con el pueblo de Sn. Agustin y su costa oriental, se abriria un camino real desde la bahia de Espiritu Santo á dicho puerto, por no haber en el dia correspondencia alguna entre estos puntos.

3a. El fomento, cultivo y procreacion de animales utiles para la labranza y alimento, el pescado salado y fresco, las maderas, tablazon, duelas, bred, y otros betunes desminuirian al comercio estrangero, y haran progresar al nacional; y las salinas que se pueden establecer, serviran de aumento á las rentas reales y de suma utilidad al pueblo.

Bajo de esta consideracion á V. M. humildemente suplica el esponente, que no habiendo otro modo de promover la felicidad de los fieles vasallos que se animen á seguirle durante las presentes convulsiones de la Europa, se digne V. M. hacerle las mercedes siguientes:

1a. La concesion de las tierras en el dia desiertas, desde la latitud de 29° norte, hasta punta Fancha inclusive en latitud de 24° 54′ norte, desde las orillas del mar, incluidos los yslotes en la costa confinante con el seno Mejicano en la Florida oriental, hasta quince leguas al este de dicha costa.

2a. Que quede libre la colonia de toda imposicion, real alcabala, diezmo, derechos de esportacion para la Ysla de Cuba, y provincias internas y Tejas, importacion libre de utencilios para labranza y maquinas, durante diez años.

3a. Permiso perpetuo como lo goza una casa de comercio en la Florida occidental, par el trato ó comercio con los Yndios, con patenta de V. M. y del Gobierno Yngles para la introduccion de los generos ne-

cesarios para este trato, y la esportacion de peleterias, y los demas productos de la colonia para Ynglaterra.

4a. Libertad de derechos de todo pescador Español en concurrencia con el suplicante para introducir pescado vivo á la Habana y los demas puertos de la Ysla de Cuba, con prohivicion ó impuestos subidos contra los Anglos-Americanos, á quienes se les ha permitido en el dia, (sin antecedente,) este trafico con grave perjuicio de los nacionales.

5a. Permiso de comprar buques propios para la pesca y su conducion, con todos los avios de pescar, en los Estados Unidos.

6a. Permiso de introducir artesanos y labradores estrangeros, con esclusion de los Anglo-Americanos y Franceses. Tambien labradores de las Yslas Canarias y provincias internas, y Tejas, á los cuales se les repartiran tierras para cultivar, bajo contratas formales y autorizadas por el Gobierno.

7a. Y por ultimo, que dispense V. M. su soberana porteccion á esta colonia naciente, espidiendo las ordenes correspondientes á los gobernadores de la provincia y de la Ysla de Cuba, para que no se ponga obstaculo alguno á vuestra real gracia, y la pronta pocesion de sus derechos. Real Ysla de Leon y diez y seis de Diciembre de 1810 años.

Es copia. SEÑOR GIOS,

(Signed) JUAN YBAÑEZ.

I certify the foregoing to be a true copy of the original on file in the office of the surveyor general of Florida. St. Augustine, 17th May, 1852.

ANTONIO ALVAREZ.

Prospecto de establecimientos ventajosos que se pueden fomentar en la Florida oriental.

1o. En la bahia de Tampa y sus arrededores, latitud de 27° 30′ á 28° N., para la pesca de casi toda clase de pescado, ostiones, y tortugas, cuya salida ó venta és muy buena en la Habana. El terreno y pastos buenos para la cria de ganados, y cultura de maiz, arroz, algodon, &c.

2o. En bahia Carlota y Sn. Carlos, que igualmente posée pesca con abundancia, y tierras propias al cultivo de algodon, añil, trigo, &c., y buenos pastos para procreacion de ganados. Esta á la latitud de 26° 30′ á 27 N.

3o. En el cabo Roman y los rios de Galivanes y Sta. Maria: estas tierras son propias para la siembra de café, cacao, y toda fruta de las colonias; la pesca és abundante, y todos estos lugares tienen puertos y surtideros seguros de todos vientos. Para mayores ventajas en estos establecimientos servirá el trato ó comercio de peleteria con los Yndios, que entre ellos abunda, y és un ramo de comercio de consideracion.

La cria de carneros és otro ramo util por el producto de sus lanas, y sus carnes ahumadas ó saladas, que en la Habana tienen pronta salida.

Los labradores para obtenerlos seria util hacer viajes á las provincias

internas, como Sn. Antonio, el soto de Marina, Nueva Santander, &c., con pescado salado que tiene buen despacho, y con permiso superior se tendrian familias enteras de estas provincias en la clase que llaman boyotes, muy humildes y aptos para la labranza, y á salarios equitativos, pues los negros no contienen.

Las parras y cepas que los hay silvestres, se pueden cultivar con poco trabajo, y sacar lucro.

Abundan estos parages de maderas para construccion y carpinteria, y la abundancia de riachuelos y agua de utilidad para construir molinos y establecer sierras para las maderas. Duelas, alquitran, brea, y terbentina se pueden estraer para el abasto de la ysla de Cuba.

En las costas hay parages donde establecer á poca costa salinas.

La caza de venados y osos és abundante y facil, sus carnes y pieles son de mucho lucro.

Tambien se pueden domesticar los venados y aumentar su procreacion en breve tiempo.

Privilegios. De conducir pescado vivo a la Habana sin perjuicio de los costeros. Libertad de comercio con los Yndios de acuerdo con la Ynglaterra, quienes provehen de utiles á estos. Compra de buques necesarios, utiles, y aptos para la conducion de los pescados vivos. Estos se pueden obtener ó construir en los Estados Unidos. Permiso de introducir artezanos y labradores estrangeros instruidos.

(Signed) GIOS.

I certify the foregoing to be a true copy of the original on file in the office of the surveyor general of Florida. St. Augustine, 17th May, 1852.

ANTONIO ALVAREZ.

Espuesto breve de la costa de la Florida oriental, lindera con el seno Mejecano.

El punto principal és la bahia de Espiritu Santo ó Tampa, que és un puerto seguro para barcos mayores, abrigado por las yslas que forman sus tres entradas, y son las siguientes: Los bayos de Lizas al norte, entre los cuales y la ysla de Castor és la entrada principal, que tiene 23 pies ingleses de agua; entre esta ysla Castor y la de Polux, otra entrada con 16 á 17 pies; entre Polux y la ysla larga 16 pies de agua; estas entradas se hallan entre la latitud de 27° 47′ y 27° 56′ norte; la bahia tienes unas cinco leguas de profundidad, sobre una á una y media de ancho; al N. E. y al este está el rio Manatí; las tierras son propias para labranza de granos, algodon y añil, con buenos pastos para gañado, y abundancia de maderas de las clases mas apreciables, como el roble, fresno, pino, cedro, cipres, guayacan y otros varios.

Las tierras estendidas hacia bahia Carlota y Sn. Carlos, contienen arenales, riachuelos y montes que se pueden aprovechar para cortes de maderas, construccion de maquinas, y cria de gañados.

Lat. 26° 30′, 26° 40′ norte. Las bahias Sn. Carlos y Carlota forman otro punto de consideracion; tiene dos entradas principales, for-

madas por yslotes que abrigan el puerto, y admiten barcos con 14 á 15 pies de agua; és tan grande como bahia Tampa, y tiene el rio Romano y riachuelo de Romans que se vacian en ella, con las mismas ventajas de tierras, maderas, &c.

Desde bahia Señor Carlos hacia puerta larga ó babo Roman, en latitud de 25° 50′, la costa contiene por la mayor parte arenales con montes de pinos y cedros.

Al norte y este de dicho cabo se hallan los rios de Gavilan, Santa Maria, y rio de Mozas: Las tierras son propias para el cultivo de frutas coloniales; y la orilla del mar hacia punta Tancha son propias para hacer salinas, y mas á tierra adentro para la caza de osos y venados; contiene montes de maderas de varias clases. Punta Tancha está en latitud de 24° 54′ norte.

I certify the foregoing to be a true copy of the original on file in the office of the surveyor general of Florida.

St. Augustine, 17th May, 1852.

ANTONIO ALVAREZ.

Ex'mo Señor: Con oficio de 26 de Junio ultimo, hice presente á V. E. quedava tomando las noticias necesarias para evacuar el informe que V. E. me pide sobre el memorial y proyecto presentado por Don Cristobal Gios, solicitando poblar parte de la costa del sur de esta provincia, cuyo informe és el siguiente:

Don Cristobal Gios, natural de Nueva Orleans, pide al Rey la concesion graciosa de un territorio situado sobre la costa occidental de esta provincia, desde 29 grados de latitud hasta 24 grados y 54 minutos, con la estencion desde la costa para lo interior de 15 leguas.

Este territorio por el calculo mas prudende comprehenderia seis millones y medio de acres, medida agraria de Ynglaterra que se usa en esta provincia.

1o. El proyecto empieza poniendo á la noticia del gobierno que sobre dicha costa hay tres puertos, de Espiritu Santo, Carlota, y San Carlos, que puedan servir de puntos de defensa y reunion contra cualquier atentado hostil, si fuesen poblados y fortificados. Verdad que no necesita de demos tracion.

2o. Sigue el proyecto insinuado, que seria igualmente ventajosa para la provincia, la civilizacion de los Yndios, que se hallan en estas inmediaciones, y el abrir un camino real desde la bahia de Espiritu Santo á la Florida, por no haber en el dia correspondencia alguna entre estos puntos.

3o. Finalmente, concluye con la verdad inegable que seria igualmente ventajoso á la provincia y al erario real, el fomento, cultivo, y procreacion de animales utiles, la pesca, las maderas y betunes que se sacarian de este establecimiento, etc.

Tengo entendido que en la capitania general deben ecsistir los informes dados por el Señor Don Vicente Folch, en el año de 79, acerca de los tres puertos á que se refiere el suplicante, habiendo sido comisionado dicho oficial por el ex'mo Señor Don Luis de las Casas, de

orden del Rey para levantar los planos de dicha costa, y ecsaminar prolijamente los puntos que convendrian para establecimientos, de suerte que nada se podria añadir sobre el particular, teniendo á la vista dicho informe, y el dado á V. E. por el señor defunto Don Enrique White, en 3 de Noviembre de 1809, carta No. 1206, á consecuencia de igual solicitud hecha por Don Ricardo Raynal Keene.

Que la civilizacion de los Yndios de estas comarcas resultaria en beneficio de esta provincia, és una verdad que no necesita de prueba; pero como Don Cristobal Gios no hace mencion de los medios que debe usar para conseguir un fin tan loable, parece escusado discutir este punto; sin embargo no puedo menos que hacer presente á V. E., que este gobierno nunca ha perdido de vista el objeto de que se trata, mas soy de parecer que solo se podria lograr con el tiempo. El hombre que se halla en el estado de barbarie, se aprocsima lentamente y por sus pasos contados al de civilizacion; y por cuanto he podido observar, y por los informes que he tomado, estos Yndios se veran obligados dentro de poco tiempo, á dedicarse enteramente á la crianza de ganado, y al cultivo de sus tierras, por la escaces que esperimentan en sus cazerias; ya provehen á esta plaza la carne fresca que consume, y muchos Yndios tienen arriba de mil cabezas de gañado. El salvage que de cazador pasa á pastor y labrador, ha franqueado el paso mas arduo acia la civilizacion, y si no fuera por el empeño en que se halla la nacion de combatir por su escistencia contra el tirano de la Europa, y de consiguiente no pueden sustraerse de su defensa los fondos que se necesitan para un proyecto de semejante naturaleza, me seria muy facil demostrar á V. E., que el unico modo de aclerar la civilizacion de la gente colorada, seria de seguir, como hasta ahora, dandoles un comercio equitativo, proveyendoles de cuando en cuando los utiles de labranza que necesiten, y sobre todo nombrar para residir entre ellos un comisario de Yndios, como hacen los Anglo-Americanos, que con la inteligencia los instruiria, y con las labranzas de campo le serviria de ejemplar. Mas esto se ha de reservar para tiempos mas felices.

Cuanto dice Don Cristobal Gios en el 3er parafo, és innegable, pero se ofrece el reparo que no estampa los medios en que propone ejecutar un proyecto tan vasto como és poblar un paiz de tanta estencion. La costa oriental de esta provincia, con todo de haberse brindado cuantas facilidades se han podido imaginar á los nuevos pobladores, tiene aun las tres cuartas partes despoblados. Aqui se dán las tierras de gratis, y el titulo de propiedad, pasados diez años de cultivo sin interrupcion, y muchos ó la mayor parte de los naturales y estrangeros yá establecidos, ó que vengan á establecerse, las comprarian por no sufrir el dilatado tiempo de diez años, (providencia tomada por este gobierno,) con el fin de disfrutar desde el dia las ventajas del absoluto dominio para hacer uso de ellas á su voluntad, arreglandose se entiende á las reales disposiciones, todo segun tengo representado á V. E. por estenso en mi representacion, fecha 19 de Junio ultimo. Carta No. 26.

Aqui se introduce el nuevo poblador con todos sus bienes libre de derechos, é igualmente encuentra ausilios, cual no los podria facilitar

Dn. Cristobal Gios; de suerte que si hay algunos vasallos de S. M. que desean trasladarse á los dominios de America, aqui encontraran tierras tan pingues como las de Espiritu Santo, y un gobierno yá establecido, capar de ausiliar y protegerlos.

Mas el mayor obice que hay al proyecto de Dn. Cristobal Gios, queda aun por ventilar, y és que las tierras, cuya cesion pretende, no son realengas; son propiedad de los Yndios qui miran con mucho interez cualquier usurpacion de ellas que se haga por pequeña que sea. La conservacion de sus tierras és una de las bases de nuestra amistad con ellos, y en todos las arengas pronunciadas por los Srs. Gobernadores de esta provincia, siempre se les ha prometido el mismo trato, y privilegios que les dara el Gobierno Britanico. Este dominaba el terreno como soberano, pero dejaba á los Yndios la propiedad del suelo, escepto á aquellos parages que habian adquirido de los oriundos por compra, ó por un tratado solemne celebrado con los gefes. Los Anglo-Americanos siguen esta misma norma con los Yndios que se hallan bajo su dominio, y me consta que en las dos Floridas se ha observado religiosamente la misma regla, no permitiendo que ningun blanco compre tierras á los Yndios sin la intervencion del Gobierno, para cortar fraudes, y prohiviendo estrictamente que ninguno se establesca en el territorio reconocido por suyo.

En esta virtud soy de parecer, que á menos que Dn. Cristobal Gios se obligue á comprar á los Yndios el territorio que pretende, y que se efectue dicha compra con conocimiento, y en presencia de este Gobierno, é ynterpretes nombrados por el, que su proyecto se dirige mas bien á comprometer la tranquilidad de esta provincia, y que por lo tanto debe imponersele perpetuo silencio.

Dios guarde á V. E. muchos anos. Sn. Agustin de la Florida, 29 de Julio, de 1811.

Ex'mo Sor. JUAN JOSÉ DE ESTRADA.
Ex'mo Sor. MARQUES DE SOMERUELOS.

I certify the foregoing to be a true copy of the original on file in the office of the surveyor general of Florida. St. Augustine, 17th May, 1852.

ANTONIO ALVAREZ.

El Señor Secretario de Estado y de la Gobernacion de ultramar me dice, con fecha de 20 de Febrero ultimo, lo siguiente:

"Enterada la regencia del reyno del informe del Gobernador de la Florida oriental, por la copia que con fecha de 22 de Octubre de 1811, dirigio el antecesor de V. E. en cumplimiento de la orden que se le comunicó en 19 de Diciembre de 1810, para que informase lo que le pareciese acerca de la instancia hecha por Dn. Cristobal Gios, solicitando permiso para poblar las tierras de las bahias de Espiritu Santo, y Carlota, y San Carlos, en la costa occidental de la Florida oriental, en los terminos y con las escenciones y franquicias que de ellas constan, ha tenido á bien resolver despues de haber oido

al consejo de estado, con cuyo dictamen se ha conformado, no haber lugar á lo solicitado por Gios; y que por lo mismo se escuse todo progreso en este asunto, por lo que hace á dicha instancia; pero como sean indudables las ventajas que resultarian de poblar con familias Españolas los puntos de la costa occidental de la Florida, citados por Gios, se ha servido S. A. resolver que V. E. proponga los medios que segun el estado actual de la nacion puedan adoptarse para trasladar y establecer alli las mencionadas familias, y si convendra concederles las mismas gracias y escenciones de que gozan los pobladores de la costa oriental de dicha Florida, con todo lo demas que crea V. E. oportuno, á fin de no solo poblar los espresados terrenos, sinó tambien fomentar entre sus habitantes la agricultura, cria de gañados, y pesca, en el concepto de que S. A. contribuira por su parte con todos los ausilios que permitan las circunstancias, y protegerá en el augusto Congreso nacional las pretenciones que conduscan para hacer felices á los que se dediquen á formar tan interesantes establecimientos, y cuya concesion está reservada al mismo Congreso. Y resultando del espediente, que de muchos años á está parte la casa Ynglesa de Forbes, conocida antes con el nombre de Panton, Leslie, y compañia, está haciendo esclusivamente desde Panzacola, Apalache, y Mobila, el comercio con las naciones Yndias, que median entre los Estados Unidos y las poseciones Españolas de las dos Floridas y la Luisiana, ha resuelto prevenga muy particularmente á V. E. como lo ejecuto, dirija por el ministerio de la gobernacion de ultramar de mi interino cargo, el mas circunstanciado informe sobre al particular, valiendose al efecto de cuantos datos le sea posible adquirir, y manifestando el mismo tiempo su parecer sobre todo para el conocimiento de S. A. en este importante asunto, y que le sirva de gobierno en las providencias que tenga á bien tomar; pero con especialidad debera V. E. espresar en su informe los motivos porque se ha hecho siempre este trafico por medio de una casa Ynglesa; cuales han sido sus resultas y pueden ser en lo suscesivo, continuando dicha casa en este trafico; si podria con mas utilidad del estado y de los mismos Yndios, encargarse de esta empresa alguna casa Española; en el caso de no ser posible, cuales son los inconvenientes ó impedimentos que para ello habra, con todo lo demas que V. E. crea digno de ponerse en la consideracion de la regencia del Reyno, de su orden lo comunico á V. E. para su puntual cumplimiento."

Y lo traslado á V. S. á fin de que me informe respectivamente sobre los puntos de que trata, lo que se le ofrezca y paresca, para que tenga efecto lo que en la misma se previene.

Dios guarde á V. S. muchos años. Habana, 14 de Mayo de 1813.

(Signed) JUAN RUIZ DE APODACA.

Señor Gobernador de la Florida oriental.

I certify the foregoing to be a true copy of the original on file in the office of the surveyor general of Florida. St. Augustine, 17th May, 1852.

ANTONIO ALVAREZ.

Translation of defendant's document No. 46.

Petition, &c., Cristobal Gios to the King for land, &c.

Captain General of Cuba to the Governor of East Florida: The secretary of state and exchequer has transmitted to me a petition, addressed to the regency by Don Cristobal Gios, a native of New Orleans, respecting a scheme to settle a part of the coast of Florida, and I herewith annex a copy thereof, that your excellency may be informed of the contents, and report whatever you may deem fit touching each particular contained therein, so as to enable me to execute what the said minister requires of me.

God preserve your excellency many years. Havana, 20th March, 1811.

EL MARQUIS OF SOMERUELOS.

To the Governor of East Florida.

Here follows the certificate of the keeper of the public archives at St. Augustine.

SIR: Don Cristobal Gios, a native of New Orleans, and navigator in the merchant service in the Indies, most respectfully represents to your Majesty, that in consequence of the abandoned and depopulated state of East Florida, and especially so its western shores, and of the great advantages in a political and commercial point of view which would result to the nation by establishing fisheries and agriculture upon a solid foundation in it, he has for some time back meditated to go hither and settle those dominions, being moved thereto by the following facts and reasons:

1st. This province, which is bounded by the gulf of Mexico and the United States, possesses two principal ports, which are the bay of Espiritu Santo, and bay of Carlota and San Carlos, which being occupied by subjects of your Majesty would serve as points of defence and rendezvous of forces to act against any enemy who might intend to commit hostilities against your dominions in the gulf of Mexico, particularly by [the] Anglo-American nation, who, from its covetousness and eagerness to extend its possessions, have always entertained, and still does so, the expectation of possessing the Floridas, having already in part succeeded in its wishes by the purchase of Louisiana, so infamously ceded to the tyrant of Europe, and by him sold to that nation. The expedition of Miranda and the one premeditated by Aaron Burr against your American possessions, evidently confirm such suspicions, and to avoid similar attempts it would be necessary to rely at some future day upon having forces at these posts, and those of Havana, Pensacola, and Vera Cruz, to command the gulf and defend our possessions. By these it would prevent also the sending of troops to New Orleans whenever it should be deemed necessary, and the Mississippi

river could be blockaded as far as lake St. John's, which is less than two leagues distant from said city, inasmuch as the posts of Havana and Florida are really the keys of our American possessions.

Second. The civilization of the Indians is an object of great importance, to increase by such means the forces of the province, and to expedite the communication with the town of St. Augustine, on the eastern coast, a road could be opened from the bay of Espiritu Santo to said town, between which places there is no communication at present.

Third. The settling and cultivating the country, raising animals for farming purposes, and the fisheries, together with the cutting of timber, making boards, staves, tar, and other bitumen, would decrease the foreign commerce and increase ours; besides the salines which might be established, would add to the royal revenue, and be of great utility to the country. In consideration of all which is set forth, your petitioner humbly solicits your Majesty, by way of encouraging and promoting the happiness of *of* all those faithful subjects who may be induced to follow your petitioner during the present convulsed state of Europe, to be pleased to grant him the following favors:

First. The concession of the lands which are at present uninhabited from latitude 29° north to Punta Tacka inclusive, in latitude 24° 54′ north, along the sea coast, including the islands adjacent on the gulf of Mexico, in East Florida, as far as fifteen leagues east from said coast.

Second. That the colony be free from all taxes, tithes, export duties to the island of Cuba, and the interior provinces of Texas; and the importation of farming utensils and machines be free of duties for the term of ten years.

Third. Perpetual permission in the same manner that it is enjoyed by a commercial house in West Florida to trade and carry on commerce with the Indians, with a patent from your Majesty and the British Government to import goods required for the business, and for the exportation of peltries and other products of the colony to England.

Fourth. All Spaniards who are concerned with your petitioner to be exempt from the payment of duties upon live fish imported by them into Havana and other ports of the island of Cuba, and to prohibit or levy high duties upon the Anglo-Americans who are now permitted, without precedent, to carry on this traffic to the great injury of Spaniards.

Fifth. Permission to purchase vessels and fishing apparatus in the United States for carrying on the fisheries and the transportation of the same.

Sixth. Permission to introduce foreign mechanics and laborers, excluding Anglo-Americans and Frenchmen; also to introduce farmers from the islands of Canary and interior provinces of Texas, to whom lands will be granted for cultivation, under formal contracts to be granted by the Government.

Seventh, and lastly. That your Majesty may be pleased to yield your sovereign protection to such new colony, and issue the requisite instructions to the governors of the province and island of Cuba, in or-

der that no obstacles may be offered to his taking immediate possession of what your Majesty shall have granted to him.

Royal island of Leon, 16th December, 1810.

GIOS.

A copy signed— JUAN HANEZ.

(Here follows the certificate of the keeper of the public archives at St. Augustine.)

I do hereby certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOHN M. FONTANE,
Translator.

Prospect of the settlements which can be advantageously made in East Florida.

1st. In the bay of Tampa and its neighborhood, in latitude 27° 30′ to 28° north, for the fisheries of almost every variety of fish, oysters, and turtle, which find a good market at Havana. The land is good for the cultivation of corn, rice, cotton, and as also affording good pasture for grazing cattle.

2d. At Carlota bay and San Carlos fish are abundant, and the lands are well adapted for the culture of cotton, indigo, wheat, &c., and pasture for cattle. It is situated between latitude 26° 30′ and 27° north.

3d. At Cape Roman, and upon the rivers Gallivanos and St. Mary's, the lands are well adapted for the culture of coffee, cocoa, and all other colonial fruits. Fish is found in abundance; and besides these points have good and safe harbors against winds from all quarters. The greatest advantages would accrue to these settlements by establishing a trade or commerce with the Indians for the purchase of peltry, which they obtain in great abundance, and which is considered a branch of great importance in commerce.

The raising of sheep would be a profitable undertaking; for their wool and their meat, either smoked or salted, would find a ready market at Havana.

In order that the farmers may obtain sheep, it would be necessary to trade with the interior provinces, to wit, San Antonio, El Soto de Marina, New Santander, &c., and carry salt fish to those places, for which a ready market would be found. By superior permission, whole families of the class of people called Cayotes (natives of those provinces) who are very humble and good farmers, can be induced to come at very low wages, as negroes will not answer the purpose.

The wild grape vine of this country can be cultivated with very little trouble, and be profitable.

There is great abundance of timber, suitable for ship building and other works, and numberless little streams, with good water power, upon which saw-mills can be built to saw lumber. Staves, pitch, tar, and turpentine can be exported for the consumption of the island of

Cuba. There are suitable places on the coast where salt-pits can be established. Deer and bear, whose meat and skins are very valuable, are found in great abundance and easily killed. Deer can be domesticated and increased by breeding.

Privileges. To be permitted to carry live fish to Havana with prejudice to the coasters; permission to trade with the Indians, with the consent of England, whence they are supplied with goods; to be allowed to purchase suitable vessels necessary to transport live fish. These vessels can be procured in the United States. Permission to introduce intelligent foreign mechanics and farmers.

(Signed) GIOS.

(Here follows the certificate of the keeper of public archives at St. Augustine.)

I, John M. Fontane, translator, &c., do hereby certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOHN M. FONTANE,
Translator.

A brief exposition of the coast of East Florida, bounded on the Gulf of Mexico.

The principal point is the bay of Spiritu Santo or Tampa, which is a secure port for large vessels, and is sheltered by three islands which form its three inlets, to wit, Lizas Keys on the north, between which and the Castor Island, and that called Pollux, there is a channel of from 16 to 17 feet; and between the latter and Isla Large there is also another channel, with a depth of sixteen feet. These entrances are situated between the latitudes 27° 47′ and 27° 56′ north. The bay is about five leagues long from its entrance, and from one to one and a-half leagues wide. River Manati is on the NE. and east side of said bay, and the lands on said river are well adapted to the culture of grain, cotton, and indigo, affording abundant pasture for grazing cattle; and different kinds of timber, which are considered very valuable, such as live oak, ash, pine, cedar, cypress, lignum-vitæ, and others, are found in the greatest abundance there. The lands towards Bahia Carlota (latitude 26° 30′) are composed of sandy soil, small streams and swamps, and are only fit for grazing cattle and getting out timber for building purposes. The bays of St. Carlos and Carlota (latitude 26° 30′ and latitude 26° 40′) form another important point. It has two principal entrances, with a depth of water for vessels drawing 15 to 16 feet between the keys which shelter the port. This bay is as spacious as that of Tampa; and the river Roman and its tributaries open into it, possessing the same advantages in relation to lands, timber, &c.

From St. Carlos bay up to Punta Larga or Cape Ramon, in latitude 25° 50′, the lands for the most part are sandy, with a growth of pine and cedar. On the north and east of said cape are the rivers Garilan, St. Mary's, and Moza, and the soil in that quarter is well adapted to the growing of colonial fruits; and along the sea-shore, to-

wards Punta Tancha, there are places suitable for establishing salt-pits, and the interior affords good hunting for deer and bears; timber of various kinds are to be found growing on the lands. Punta Tancha is in latitude 24° 54′ north.

[Here follows the certificate of the keeper of the public archives at St. Augustine, Florida.]

I hereby certify that the foregoing is a true and correct translation of the Spanish document hereto annexed.

JOHN M. FONTANE,
Translator, &c.

Report of Governor of Florida upon said application.

Most excellent sir: In my official communication of the 26th of June last, I informed your excellency that I was taking steps to collect the necessary information to enable me to make the report which your excellency asks of me upon the petition and scheme presented by Don Cristobal Gios for seating part of the southern coast of this province; which report is as follows:

Don Cristobal Gios, a native of New Orleans, prays the King for a concession for a territory situated on the western coast of this province, from the 29th to 24th degrees and 54′ of latitude, and extending from the seacoast to the interior fifteen leagues.

This territory, according to the nearest calculation, would embrace six and a half millions of acres, English measurement, which is the one adopted in this province.

1st. The scheme or plan commences by informing the Government that the ports of Espiritu Santo, Carlota, and Saint Carlos are situated on that part of the coast; that they are well adapted as points of defence and as rendezvous against any attempted hostilities, if they were settled and fortified; all of which in truth does not require to be demonstrated.

2d. The scheme suggests that the civilization of the Indians who are found in that part of the country would likewise be very advantageous to the country, as well as the opening a public road from Espiritu Santo bay to (Florida) St. Augustine, between which points there is no communication at present.

He ends with the undeniable truth that the establishing of settlements, agriculture, fisheries, cutting of timber, making bitumen, and raising useful animals, would be advantageous both to the province and royal revenues.

I am informed that in the office of the captain general there exist the reports made by Señor Dn. Vicente Folch in the year 179 respecting the three ports to which the petitioner refers, said officer having been commissioned by his excellency Don Luis de las Casas, under instructions from the King, to survey and make plans of said coast, and to examine very minutely such places which would be suitable for settlements; therefore, no information upon the subject could be furnished

in addition to that contained in said reports, and the one made by the late Don Henry White, dated 3d November, 1809, accompanied by his communication No. 1206, made upon a similar petition presented by Don Ricardo Raynal Keene.

That the civilization of the Indians in those districts would be beneficial to this province is an admitted fact, but inasmuch as Don Cristobal Gios does not mention what means he ought to adopt to accomplish so laudable an end, it seems to me that it would be useless to discuss this point. Notwithstanding, I must inform your excellency that this Government has never overlooked the subject, being of opinion that it can be attained in the course of time. Man in a state of barbarism is to be approached slowly, and in the course of time will be civilized; and from observation and information which I have obtained, these Indians will be obliged, at no distant day, to devote themselves to the cultivation of their lands and raising of cattle in consequence of the scarcity of game. They now furnish the fresh beef which is consumed in this place, and there are many of them who own over one thousand head. The savage who abandons the chase and becomes shepherd or farmer, is considered to have attained the first step towards civilization; and were it not that the nation is at present wholly engaged in combating for its existence against the tyrant of Europe, and that in consequence thereof the means required for that purpose cannot be appropriated for any other object, I could very easily demonstrate to your excellency that the only means to promote the civilization of the red people would be to continue, as has been done heretofore, to open a trade with them, and supply them from time to time with farming utensils they may require, and above all things to appoint an Indian agent to reside among them, as the Anglo-Americans do, who could give them instruction, and by his cultivating the soil he would show them an example. This subject must, however, be deferred until happier times.

All that Don Cristobal Gios says in the 3d paragraph is undeniably true; but the great obstacle in the way is, that he does not state the means with which to carry out a scheme of such magnitude as that of settling so large a tract of country. Three-fourths of the eastern part of this province is yet unsettled, although every inducement imaginable has been offered to new settlers. Lands are granted gratis, but the title of property is not acquired until ten years of uninterrupted possession and cultivation shall have elapsed; and many, or a majority, of the natives and foreigners who are now settled in the country, or those who may hereafter come into it, would prefer to purchase them rather than to suffer the delay of ten years, a regulation established by this Government, so that they might enjoy the absolute right to dispose of them as they may deem fit, provided it be done in accordance with the royal regulations, and according to what I stated in detail to your excellency in my communication No. 26, dated 19th June last.

The new settlers came here with all their property free of duties; where they meet with such aid, and which could not be afforded them

by Don Cristobal Gios; consequently, if there be any of his Majesty's subjects who desire to emigrate to dominions of America, they would find here as rich lands as those of Espiritu Santo, and an established government capable of aiding and protecting them.

Again, the principal obstacle that it *it* suggests itself to Don Cristobal Gios's scheme is yet an unsettled point, to wit, that they, the lands he solicits, do not belong to the King; they are the property of the Indians who watch with much jealousy any usurpation of them however small it be. The preservation of their lands is one of the bases of our friendship with them, and in all talks held with them by the governors of this province, they have always been promised the same treatment and privileges granted to them by the British Government. The latter governed their country as sovereign, but acknowledged the right of property in the soil in the Indians, except those lands which had been acquired from them by purchase, or by treaty solemnly made with the chiefs. The Anglo-Americans pursue the same course with the Indians who are within that Government, and I am sure that a similar course has been religiously observed in the Floridas—no white person being permitted to purchase lands from the Indians without the intervention of the government, in order to avoid frauds; at the same time, all persons were strictly forbidden from settling upon any part of their territory known as belonging to them.

Wherefore, I am of opinion that, unless Don Cristobal Gios binds himself to purchase the lands he solicits from the Indians, and that said purchase be made with the knowledge, and in the presence of this government and the interpreters appointed by it, his project or scheme will have a tendency to endanger the peace of this province, and for that reason his prayer should be refused.

God preserve your excellency many years. St. Augustine, Florida, 27th July, 1811.

JUAN JOSE DE ESTRADA.

To his excellency the Marquis of Someruelos.

[Here follows the certificate of the keeper of the public archives at St. Augustine.]

His excellency, the Secretary of State and of the ultra marine department, communicates to me, under date of the 20th February ulto., the following:

"The regency of the kingdom being informed upon view of the report of the Governor of East Florida, a copy of which was under date of October 22d, 1811, transmitted by your predecessor in obedience to instructions given him, dated 19th December, 1810, to report what he might deem proper in relation to the petition of Don Cristobal Gios, soliciting permission to make settlements on the lands on the bays of Espiritu Santo, Carlota, and San Carlos, on the west coast of East Florida, upon the terms, immunities, and privileges set forth, have resolved upon hearing and concurring with the council of state to deny Gios's prayer. Therefore, let all further proceedings touching the matter re-

ferred to in his petition be discontinued; but inasmuch, no doubt, that the settling of the places on the western coast of East Florida pointed out by Gios would be advantageous if they were settled by Spanish families, his Majesty has been pleased to resolve that your excellency will suggest, taking into consideration the actual state of the nation, what means could be adopted to convey and settle said families there, and whether it would be expedient to grant them the same privileges and immunities which were enjoyed by the settlers on the east coast of said province; and that you will suggest, also, any thing which your excellency may deem useful, not only in regard to the settlement of said lands, but also to the promotion among its inhabitants of agriculture, raising of cattle, and establishing fisheries; being well assured that on the part of his Majesty every aid will be rendered which circumstances will allow, and that he will also support any measures which the auguste Congress, which has jurisdiction over the subject, may deem fit to enact for promoting the happiness of those persons who may undertake such important settlements.

"It appearing by the proceedings that for many years back the English house of Forbes, formerly known under the name and style of Panton, Leslie & Company, is now carrying on the exclusive trade at Pensacola, Apalache, and Mobile with the Indian tribes living between the boundary line of the United States and the Spanish possessions in the two Floridas and Louisiana:

"His Majesty had commanded me to instruct your excellency very earnestly, as I hereby do, that you make, through the acting minister of the ultra marine department under my charge, a full and minute report, accompanied at the same time with your opinion on the subject; to accomplish which you will avail yourself of all the information you can possibly attain from all sources, in order that his Majesty may have full information upon this important matter to guide him in any resolutions he may see fit to adopt. You will particularly express in your report the reason why this traffic has always been carried on by an English house; what effect it has produced or may hereafter produce, if said house continues in it; and whether it would be more advantageous to the State and the Indians themselves, that a Spanish house should be entrusted with the business; and if not, your excellency will state fully which would be the obstacles in the way of its success, as well as any other thing which your excellency may suggest proper to be submitted for the consideration of the regency of the kingdom.

"By command of the regency of the kingdom, I communicate the same to your excellency for its faithful execution."

And I transmit a copy thereof to your lordship that you may report to me whatever you may deem proper upon the points to which it respectively relates in order that what I am instructed to do shall be carried into effect.

God preserve your excellency many years. Havana, 14th of May, 1813.

JUAN RUIZ DE APODACA.

To the Governor of East Florida.

[Here follows the certificate of the keeper of the public archives at St. Augustine.]

I certify that the foregoing is a correct translation of the Spanish document hereto annexed.

JOHN M. FONTANE,
Translator.

Defendant's document No. 47.

Acompaño á V. S. el espediente promovido por Don Ricardo Raynal Keene, naturalizado Español, en solicitud de cierta concesion de tierras en esa provincia, para que en vista de lo que espone me manifieste V. S. lo que le parezca sobre los varios puntos á que se contrahe en su instancia, en conformidad del decreto que le he puesto en esta fecha, devolviendome el espediente original.

Dios guarde á V. S. muchos años. Habana, 4 de Setiembre de 1809.

(Signed) EL MARQUES DE SOMERUELOS.

Señor Gobernador de la Florida oriental.

I certify the foregoing to be a true copy of the original on file in the office of the attorney general of Florida. San Augustine, 17 May, 1852.

ANTONIO ALVAREZ.

Ecs'mo señor: El terreno que solicita Don Ricardo Raynal Keene se le conceda desde el cabo Sable, que és la punta S. O. de esta peninsula en 24° 57′ N., hasta los 29°, comprende mas de ochenta leguas de costa en latitud, sin espresar cuanto pretende internar del oeste al este. En dicha estension esta la bahia de Tampa ó Espiritu Santo, en latitud 27° 36′, adonde suelen venir pescadores de la Habana; y en 30° 12′ se halla el fuerte de San Marcos de Apalache.

De aqui la unica comunicacion que tenemos con esos parages és con algunos pueblos de Yndios en las inmediaciones de Tampa, que vienen á vuscar su regalo annual, y á vender gañado y pieles de venado; tambien suelen pasar á la Habana, y seguramente se opondrian á cualquier establecimiento de blancos en sus tierras.

El solicitante propone conducir los nuevos pobladores de los Estados Unidos de America, pero por real orden de 14 de Noviembre de 1804, que V. E. se sirvio comunicarme, con fecha de 9 de Julio de 1805, se prohibe el establecerse en las Floridas á los ciudadanos de los espresados Estados.

Por ultimo reglamento de esta provincia, de que di parte á V. E. en 15 de Octubre de 1803, se señala á cada cabeza de familia de nuevos pobladores cincuenta acres de tierra; á los hijos y esclavos que pasan de diez y seis años, veinte y cinco; y á los que pasan de ocho, quince. Una caballeria contiene treinta y tres acres y un tercio.

Es cuanto puedo informar á V. E. èn cumplimiento de lo que me tiene ordenado en su oficio de 4 de Setiembre ultimo, devolviendo el espediente original.

Dios, &c. San Agustin de la Florida, 3 de Noviembre de 1809. Esc'mo sor.

E. W.

Esc'mo s'or Marques de Someruelos.

I certify the foregoing to be a true copy of the original on file in the office of the surveyor general of Florida. St. Augustine, 17th May, 1852.

ANTONIO ALVAREZ.

From the Captain General of Cuba to the Governor of East Florida.

I enclose to your excellency the proceeding moved by Don Richard Raynal Keene, a naturalized Spanish subject, soliciting a certain grant of land in this province, in order that, in view of what he sets forth, you may report to me whatever may seem proper to you upon the various points mentioned in his application, in conformity to the decree which I have made to him under this date; returning to me the original proceedings.

God preserve your excellency many years.

Havana, 4th September, 1809.

MARQUIS OF SOMERUELOS.

GOVERNOR OF EAST FLORIDA.

[Here follows the certificate of the keeper of public archives at St. Augustine.]

I hereby certify the foregoing to be a correct translation of the Spanish document annexed.

JOHN M. FONTAINE, *Translator.*

Report.

YOUR LORDSHIP: The land which Don Richard Raynal Keene solicits may be granted to him from Cape Sable, which is the southwest point of the peninsula, in latitude 24° 57′ north, as far as the 29°, comprehends more than eighty leagues of coast in latitude, without his expressing how far into the interior he wishes from west to east. In this extent is Tampa bay or Espiritu Santo, in latitude 27° 36′, where the fishermen of Havana are accustomed to come, and 30° 12′ of latitude is the Fort St. Mark, of Apalache.

From here the only communication we have with those places is with some Indian towns in the neighborhood of Tampa, who come to obtain their annual presents, and to sell cattle and deer skins; they likewise go to Havana, and will certainly oppose any permanent establishment of whites on their lands.

The petitioner proposes to carry there new settlers from the United States of America; by *by* royal order of the 14th of November, 1804, which your excellency communicated to me under date of 9th July, 1805, it is prohibited to the inhabitants of said States to establish themselves in the Floridas. By the last regulation of this province, [a copy] of which was communicated to your excellency on the 15th October, 1803, it is allowed to each head of a family of new settlers fifty acres of land, to his children and slaves over sixteen years of age, twenty-five acres, and to those over eight years, fifteen acres; a caballeria is thirty-three and one-third acres of land.

This is as much as I am able to inform your excellency in obedience to what you have directed me in your official letter of 4th September last; and I return the original proceedings. God, &c.

St. Augustine of Florida, 3d of November, 1809.

Ex'cy NEGUS DE SOMERUELOS. E. W.

[Here follows certificate keeper public archives.]

I hereby certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOHN M. FONTANE, *Translator.*

Defendant's document No. 48.

Señor: Dn. Jose Ma. de la Torre, coronel graduado y comandante del 3o. batallon del regimiento de ynfanteria de Cuba, que guarnece este presidio, puesto á L. R. P. de V. M., con el mayor respeto, hace presente en papel comun por no estar en practica el sellado, que desde el mes de Marzo de 805, en que verifico su llegada á este destino, se propuso observar el estado de la agricultura en la provincia, resultando hallarse casi desiertos sus estencivos terrenos, que seguramente son susceptibles de las mismas producciones que se cosechan en los Estados Unidos, y solo estan ocupados en parte por algunas familias de Yngleses y Americanos, juramentados que con un corto numero de Mahoneses de los avecindados en el pais, obtuvieron del gobierno concesion de tierras gratis, y se emplean en el cultivo de algodon, de cuyo estado de produccion y demas instruye el documento adjunto, No. 1o. Que convencido por los ensayos que hizo sobre las plantaciones de tabaco y caña de azucar, cuyas semillas condujo de la Habana, de que podian establecerse con utilidad de varios terrenos al sur de la provincia las plantaciones de estos preciosos frutos, pidió quince caballerias de tierra al gobierno, con el objeto de practicar en grande los dichos esperimentos, deseoso de empeñar con su ejemplo la aplicacion de estos habitantes, las que se le concedieron segun consta por el documento que acompaño, No. 2, bajo el sistema establecido por los gobernadores de no declarar la propiedad inmediata á los que obtienen concesion de tierras hasta pasados diez años. Y como quiera señor que las ideas del esponente son dirigidas al bien general que resultará al pais y al estado en el fomento de la agricultura, al mismo tiempo que á no perjudicarse en los desembolzos indispensables que debe hacer para cultivar la dicha

tierra en que establece actualmente una hacienda animado de las mejores y mas cinceras ideas de patriotismo. Suplica á V. M. se digne concederle la propiedad inmediata de sesenta caballerias de tierra inclusas las espresadas, debiendo hacer presente á V. M. que seria muy conveniente al fomento de la agricultura que los terrenos repartidos hasta ahora y los que en adelante se concediesen á vecinos de la satisfaccion del sor. gobernador ó juez de tierras, que V. M. tubiese á bien nombrar, obtuviesen la propiedad inmediata que miran con distinto interez, pues de lo contrario estará como siempre obligado el pais á subsistir de los viveres que continuamente esportan de los Estados Unidos, y de consiguiente á ser sitiado por hambre en cualquier evento. V. M. resolverá lo que fuere de su real agrado. San Agustin de la Florida, 6 de Setiembre de 1806. Señor A. L. R. P. de V. M.

JOSE MA. DE LA TORRE.

Es copia. (Signed) SOMERUELOS.

No. 1.

Mi estimado Señor: Satisfaciendo el celo de Vmd. por el bien de esta provincia, incluyo el adjunto papel de las observaciones que he hecho sobre el cultivo del algodon. Cuando me establecí en ella el año de 91 no conocian sus labradores este ramo de agricultura, y luego que hize algunos ensayos felices, siguieron mi ejemplo otros habitantes, y hoy és el principal ramo que se cosecha en la provincia. Segun las apariencias, si el gusano no le destruye, los plantores confian, y és muy probable, que la actual cosecha produsca mil 99s. de algadon, limpio y despepitado. Sus terrenos son susceptibles, no solo para producir algodon, pero tambien para granos, pescado, carnes, tabaco, y casi todos los renglones que se producen en los Estados Unidos. Las margenes de los rios, asi como lo interior, estan poblados de variedad de maderas convenientes para las poseciones de S. M. en las yslas de America, buenos puertos, muy buen temperamento y clima, en que se pueden sostener sin esperimentar las tropas las perdidas á que estan espuestas bajo la violencia del sol abrasador de la zona torrida, cuyas circunstancias hacen las provincias de las Floridas del este y oeste, unas poseciones muy apreciables para cualquier potencia que tiene establecimientos entre los tropicos. La bahia de Tampa, en la parte del sudoeste, és propia para una escuadra, y desde ella por su situacion las yslas y comercio de la America y seno Mejicano puede ser cortado y destruido por un enemigo.

Quedo estemado Señor, con el mayor respeto, su mas obligado amigo y servidor.

JUAN MARIA QUEEN.

Metodo que debe observarse para el cultivo del algodon en la Florida de este.

El algodon que generalmente se cultiva en la Florida del este, és el que llaman Sea Yslands cotton, algodon de las yslas del mar. Su su-

perioridad sobre el de las tierras interiores esta patentizada, respecto á que de una libra se pueden sacar cuatrocientos hilos que alcanzan á cerca de doscientas millas de largo, cuando el algodon de lo interior ó de las yslas apenas se pueden hilar cincuenta que llegan á veinte y cinco millas. En Londres el algodon de las yslas de mar ó Sea Yslands cotton sigue en precio al de Bombon, que és el mas estimado.

El metodo siguiente és el que se sigue para cultivarlo en esta provincia. Si las tierras han sido limpias ultimamente ó descamado se labra bien profundamente en el imbierno; al principio de Marzo se forma en hileras 25 de estas en 105 pies de tierra en cuadro, cuyo terreno és el que un buen trabajador puede preparar en un dia; las hileras deben tener tres pies de ancho, y planas en medio; hacia el 15 de Marzo se debe principiar á sembrar las semillas, ponerse bien separadas en hoyos hechos en el centro de las hileras, y cubrirse con tierra como á tres pulgados de profundidad; para un acre Yngles se necesita un bushel de semilla para evitar que los gusanos la dañen, ni la frialdad de la noche; cada doce dias debe ser desyervada hasta que haya brotado, y aun mas si hubiere yerva hasta que el algodon cresca bastante, y se halle con vigor para formar sus copos; la cantidad de semillas puede hacer que salgan las plantas mas espesas de lo que deban quedar, en cuyo caso se aclararan moderadamente cada vez que se desyerve la tierra; á la tercera vez de hecha esta operacion la planta tendra la fuerza y vigor suficiente para no temer los gusanos y principiar á brotar, entonces se debe aclarar en conformidad de la fertilidad del terreno, de modo que queden separadas desde seis pulgadas á dos pies; en las tierras muy fertiles las hileras deben estar de cinco á seis pies de distancia, medidos del centro de una al centro de la otra, y las plantas despues del tercer desyervado de dos á tres pies de distancia; en esta clase de tierras és conveniente descabezar el algodon una ó dos veces, y quitarle los hijuelos ó retoños. Al fin de Julio és aproposito para esto. Es util mudar de cosecha; en las tierras virgenes daran mas al año siguiente despues de haberse sembrado en ellas otra cosa que si se siguiese con algodon.

La cogida del algodon principia en Agosto y continua hasta las heladas; despues que esté en la casa se debe separar, desmotar el capullo y quitarle todo lo amarillo y manchado, y despues pasar al molino para despepitar: mis cosechas se despepitan con maquinas de agua, cuatro de las cuales dan como trescientas libras de algodon limpio al dia; otros cuyas cosechas son cortas, usan molinos de pie, los cuales pueden dar veinte y cinco libras al dia. El producto regular és de ciento cincuenta á doscientos libras de algodon limpio por acre, y regularmente un hombre puede trabajar cinco acres ademas de tres acres para provisiones y viveres.

Cuando el tiempo lo hace que las raices y arboles esten podridas de modo que permiten el uso de la azada, se puede cultivar mas tierra con el mismo numero de gentes.

JUAN MARIA QUEEN,
JOSE MARIA DE LA TORRE.

Es copia. (Signed) SOMERUELOS.

No. 2.—*Memorial.*

Señor gobernador: Dn. José Maria de la Torre, coronel graduado y comandante del batallon que guarnece esta plaza, con la debida atencion hace presente á V. S. que deseoso de establecer en esta provincia, el cultivo de tabacos, caña, y otros frutos utiles á su fomento en consecuencia de varios ensayos y observaciones hechas de quince meses á esta parte, solicitó de Dn. Francisco Robira, vecino de esta, que le franquease las tierras que V. S. le habia concedido en el parage nombrado Mutri, á lo que convino despues de recojida la cosecha del maiz plantado en ellas, y siempre que V. S. no tubiere reparo; por lo que á V. S. suplica se sirva concederle los quinientos acres de tierra que comprende el espresado plantage del dicho rivera, bajo las condiciones mandadas observar en iguales casos, cuya gracia espera de la justificacion de V. S. San Agustin, 23 de Julio de 1806.

JOSÉ MA. DE LA TORRE.

Decreto.

Sn. Agustin, 30 de Julio de 1806. Respecto á haber hecho dejacion Dn. Francisco Rivera de los quinientos acres de tierra que se le tenian concedido en el caño de Mutri, á causa de habersele prevenido lo hiciese asi, por no haberlos cultivado con sus esclavos, se le conceden al coronel graduado y comandante del 3o battallon de Cuba, Dn. José Ma. de la Torre, segun solicita en esta instancia.

WHITE.

Dn. Juan de Pierra, teniente de granaderos del 3o. batallon del regimiento de ynfanteria de Cuba, y secretario de gobierno por S. M., certifico, que la anterior copia está fielmente sacada del original que se halla en la secretaria de mi cargo. Y para que conste, y obre los efectos que convengan, doy esta á pedimento del referido Dn. José Ma. de la Torre, en San Augustin de la Florida, á 1o. de Setiembre de 1806. JUAN DE PIERRA.

Dn. José de Zubizarreta, escribano de S. M. y de gobierno de rl. hacienda, y registros de esta plaza de San Agustin de la Florida, unico en ella y su provincia, certifico, que Dn. Juan de Pierra, de quien el documento que antecede se halla firmado, és teniente de granaderos del 3o batallon del regimiento de ynfanteria de Cuba, y secretario de este gobierno, segun se titula, usa y egerce con general aprobacion, y á sus semejantes siempre se les ha dado y dá entera fé y credito en ambos juicios. Y para que conste donde convenga, signo y firmo la presente á instancia del sor. interesado, y en papel comun por no usarse el sellado. Sn. Agustin de la Florida, fecha ut supra.

JOSÉ DE ZUBIZARRETA.

Escribano de Gobierno.

Es copia.

(Signed,) SOMERUELOS.

El esc'mo sor. secretario de estado y del despacho de hacienda me dice de real orden, con fecha de 18 de Julio, lo siguiente:

"El comandante del 3o. batallon del regimiento de ynfanteria de Cuba, que se halla en Sn. Agustin de la Florida, Dn. José Ma. de la Torre, ha ocurrido al Rey, solicitando se le conceda la propiedad de sesenta caballerias de tierra, inclusas las quince que posée en el parage llamado Mutri, segun resulta de los documentos que incluye. Y de orden del Rey remito á V. S. dicho espediente, á fin de que instruyendole como corresponde haga á Torre la concesion que estime, oportuna llevandola á efecto y dando cuenta para la soberana aprobacion."

Y lo traslado á V. S. con inclusion de los documentos que cita, para que enterado me informe lo que se le ofresca en el particular con arreglo á lo que previene la inserta real orden, y en su vista providenciarse lo conveniente.

Dios guarde á V. S. muchos años. Habana, 14 de Enero de 1808.

(Signed,) EL MARQUES DE SOMERUELOS.

Señor Gobernador de la Florida oriental.

Señor Capitan General: Con fecha de 14 de Enero ultimo, transcribiendome V. S. la real orden de 18 de Julio del año pasado, se sirve prevenirme le informe lo que se me ofresca acerca de la instancia que hizo al Rey el difunto Dn. José Ma. de la Torre, comandante del 3o batallon de Cuba, en solicitud de que se le concedieson sesenta caballerias de tierra, inclusas las quince que poseia en el parage nombrado Multrie, y aun que por el fallecimiento de dicho gefe me parece yá veioso mi informe, instruiré sin embargo á V. S. circunstanciadamente sobre el particular, para los fines que aun puedan convenir.

Las concesiones de tierras que en conformidad á real orden comunicada por esa capitania general en 29 de Octubre de 1790, se hacen á los nuevos pobladores ó habitantes que las solicitan, son con proporcion al numero de trabajadores que tienen para su cultivo, dandose á cada cabeza de familia 50 acres, 25 á los hijos y esclavos de ambos secsos, mayores de 16 años y 15, á los que pasan de ocho años. Esta regla que se ha observado sin escepcion de personas la tuvo en el referido comand'te, pues aun que carecia de trabajadores se le mercedaron quiniento acres en el ante dicho parage de Multrie, no por que esperaba que de dicha concesion resultase utilidad alguna al fomento de la agricultura, sino para manifestarle no era mi animo oponerme á sus proyectos de establecer en la provincia el cultivo de tabacos, caña, y otros frutos preciosos, y tambien por que segun refiere su memorial se obligo á cumplir las condiciones establecidas para los agraciados á tierras que se reducen á cultivarlas sin interrupcion por el termino de diez años, con el numero de trabajadores proporcionado á la cantidad de tierras concedidas á fabricar casa y crias algun ganado vacuno, cuyas condiciones cumplidas, se les dá en absoluta propieded. Desde el 23 de Julio de 1806, en que el difunto se pocesione de los quinientos acres hasta el 5 de Diciembre del año siguiente que fallecio, y nada otra cosa hizo que componer una pequeña casa que alli habia, y sembrar

en corta cantidad maiz, papas y moniatos, y creo muy bien no se hubiera ocupado en otras siembras aunque hubiese vivido muchos años por carecer para el cultivo de tabacos, caña, y demas preciosos frutos de brazos y de dinero pues el de su paga, y el que por varios arbitrios podia haber á las manos lo invertia en usos propios, habiendo á su muerte resultado en deber como cinco mil pesos á las bajas de su cuerpo, y á vecinos de esta plaza, sin contar igual ó mayor suma que estoy informado adenda á otros varios particulares, quienes no reclaman sus creditos por conciderarlos incobrables, á causa de no haber importado todos sus bienes vendidos en publica almoneda mas de tres mil cuatrocientos y pico de pesos, no obstante de que para dar mayor valor á la venta, permiti se admitiesen en pago de los efectos papeles de credito contra el batallon, y estas reales bajas de cuyos particulares se impondrá V. S. á su tiempo por los autos de la testamentaria en que actualmente se está entendiendo. De lo dicho puede V. S. inferir que si las ideas del difunto hubieran sido dirigidas al bien general de este pais y del estado en el fomento de la agricultura conforme espone al Rey, habria invertido en su plantacion á lo menos alguna parte de las cantidades recibidas de sus acrehedores para cohonestar y tener algun asomo de razón en solicitar la propiedad de las sesenta caballerias como una recompensa de los desembolzos indispensables que debia hacer, aun que con dinero ageno, para el establecimiento de lo ques és nada, y el llama hacienda.

El rumor que en diferentes épocas ha corrido de que esta provincia se cedia á los Estados Unidos fué causa no solo de que muchos ciudadanos Americanos pasaren á ella, y se juramentasen vasallos de S. M. con el fin de conseguir tierras, y si tambien de que entre estos vecinos se animase cierto espiritu de especulacion en compras y ventas de tierras por el mayor aprecio que se hacia de ellas. Este espiritu y no el de patriotismo indujo á mi entender al difunto comandante para pedirme los quinientos acres, y solicitar de S. M. la consabida gracia, por que no era tan estupido que no dejase de conprehender que los ensayos en grande que meditaba hacer en el cultivo de tabaco, caña, y varios frutos preciosos, nunca podian ser otros, por falta de medios, y por no ser este clima aparente para ellos que los que el mismo, habia practicado y han practicado otras personas curiosas en sus jardines para su diversion y recreo.

No hallo á la verdad fundado el modo de pensar del difunto comandante de que seria muy conveniente al fomento de la agricultura, se diesen en propiedad los terrenos yá repartidos y los que en adelente se repartiesen entre los vecinos de la satisfacion del Gobierno. Si ahora aun que saben no pueden obtenerse en propiedad sino se cumplen las condiciones establecidas, son muchos los que por su natural insconstancia, ó reprehensible desidia los abandonan despues de algunos años de su posesion á que deberia esperarse si desde el instante que se les concede los considerasen propios, y pudieran disponer de ellos por venta ó del modo que mejor les acomodase? Habitante habria que en el mismo momento de recibir el titulo de propiedad de sus tierras, firmaria la

venta de ellas, segun la esperiencia lo ha acreditado yá con algunos que han vendido sus terrenos luego que se les despacharon los correspondientes titulos de propiedad por haber cumplido los diez años de su pocesion y cultivo, siendo uno de ellos Dn. Juan Ma. Queen, el mismo que entregó al comandante el documento que acompaña á su representacion con No. 1o, sobre el estado de produccion y demas en que se halla este pais el cultivo del algodon. Uno de los muchos perjuicios que de las insinuadas ventas resultaria contra el fomento de la poblacion y agricultura seria el que entre tres ó cuatro sujetos de algunos posibles se harian dueños de casi toda la provincia con el desembolzo de pequeñas cantidades de dinero.

La importacion de riveres será siempre necesaria para la subsistencia de esta provincia, debiendo asegurar no se remediaria este mal con darse los terrenos en propiedad, antes por el contrario comprendo que las tierras propias son las que menos se cultivan, pues no temen sus dueños se les desposea de ellas aun que las dijen incultas.

Como el terreno concedido al comandante quedo vacante por su fallecimiento conviene se diera á el que comprase las mejoras que habia en él con el laudable fin de aumentar el valor de estas y poder cubrir en lo posible sus crecidos devitos; habiendose en efecto rematado dichas mejoras en publica subhasta en cantidad de mil pesos pagaderos en papeles de credito contra el batallon y reales cajas.

Dios guarde á V. S. muchos años. San Agustin de la Florida, 1o de Marzo, de 1808.

SEÑOR MARQUES DE SOMERUELOS.

Translation of defendant's document No. 48.

Application of J. M. de la Torre for land to the King.

Sir: Don José Ma. de la Torre, brevet colonel commanding the 3d battalion of the infantry regiment of Cuba, stationed at this garrison, presenting himself at the royal feet of your Majesty, most respectfully represents, upon common paper, stamped paper not being in use, that since the month of March, 1805, when he arrived at this place, he proposed to himself to observe the state of agriculture of the province, where there are extensive tracts of almost desert land, which are really susceptible of producing the same staples that are grown in the United States, and which are only occupied in part by naturalized English and American families, and a small number of Mahonese settled in the country, who obtained from the Government gratuitous grants of land, and who employ themselves in the cultivation of cotton, and whose state of production, and other matters relating thereto, reference is made in the annexed document No. 1. That being convinced from the experiments he made upon the plantation of tobacco and sugar cane, whose seed he imported from Havana, that some of these lands might be cultivated with advantage to the growth of these precious fruits on the south side of the province, he petitioned to Government for 16 caballerias of land with the object of said experiments upon a grand scale, with the view

to encourage with his example the application of their inhabitants, which were granted to him, as appears from the document hereto annexed, marked No. 2, under the system established by the governors, who would not declare the property granted in fee to those who obtained concessions until after the lapse of ten years; and inasmuch, sir, as the ideas of the petitioner are directed to the general welfare that may result to the country and State in the promotion of agriculture; and, at the same time, in order that he may not be prejudiced in the indispensable disbursements that he will have to make to cultivate the said land, in which he is establishing a settlement, being animated by the best and most sincere ideas of patriotism, he humbly prays your Majesty to be pleased to grant him at once, in full property, sixty caballerias of land, including those already expressed. Informing your Majesty that it would be very advantageous to the promotion of agriculture, that the lands heretofore distributed, as well as those that may hereafter be granted, to inhabitants in whom the Governor or commissioner of lands (whom the King may think proper to name) places confidence, should obtain the property in fee, at once, they entertaining greater interest in the matter, otherwise the country will remain, as it always has, to subsist from provisions imported from the United States, and consequently exposed in cases of emergency.

Your Majesty will resolve whatever may be agreeable to your royal pleasure.

St. Augustine, Florida, 6th of September, 1806. Sir, at the royal feet of your Majesty.

JOSE MARIA DE LA TORRE.

A copy.
(Signed) SOMERUELAS.

Here follows the certificate of the keeper of public archives.

I do hereby certify that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE, *Translator.*

Document referred to in the preceding petition, as No. 1.

Letter addressed to Jose Maria de la Torre by Juan McQueen, relative to the soil and production of East Florida, and planting of Sea Island cotton.

MY ESTEEMED SIR: Knowing your zeal for the welfare of this province, I enclose the paper containing the observations which I have made respecting the cultivation of cotton. When I settled in it (province) in the year 1791, the farmers had no knowledge of this branch of agriculture, and after I had made some experiments with a happy result, other inhabitants followed my example, and at the present time it is the principal staple which is grown in this province. According to present appearances, if the worm does not destroy it, the planters expect, and it is very probable, that the present crop will yield one thousand quintals of clean cotton.

The soil is not only adapted for the growth of cotton, but also for grain, tobacco, and almost every other article which are produced in the United States, as well as for pasturage.

The banks of the river abound in the varieties of timber, as also in the interior, which would be useful for the possessions of his Majesty in the West India islands; besides there are good posts and a good climate, which will exempt the troops from the sickness and loss of life to which they are exposed under the burning sun of the tropics, which circumstances render the provinces of East and West Florida very desirable possessions to any power having settlements between the tropics.

The bay of Tampa, on the southwest side, is a good harbor for a fleet, and from its situation can command and cut off the commerce of the islands of the West Indies and America, including that of the gulf of Mexico, by an enemy.

I remain, esteemed sir, with the greatest respect, your friend and servant,

JUAN MARIA QUEEN.

Method which is to be observed in the cultivation of cotton in East Florida.

The cotton which is generally cultivated in East Florida is that called Sea Island cotton. Its value or superiority over that of the interior part of the country consists in the fact that one pound of it will yield four hundred threads, whose length is near two hundred miles long; that of the interior uplands yielding only about fifty threads, whose length is but twenty-four or twenty-five miles. In London the Sea Island cotton obtains the same price of that from Bombay, which is considered the best.

The following method is the one adopted to cultivate in this province.

If the land has been newly cleared or has rested some time, it should be ploughed deeply during winter; in the early part of March twenty-five rows must be formed within the space of 105 feet square, which is the quantity of land a laborer can prepare in one day; the rows or drills ought to be three feet wide and level in the centre; the seed should be planted about the middle of March some distance apart, in holes made in the centre of the rows, and covered over about three inches deep. To each English acre of ground one bushel of seed is required to avoid the worms and coldness of the nights from destroying the whole; it should be weeded every twelve days until the plants shall have come up, or even afterwards if there be need, until the cotton grows considerably large, and has sufficient size to form its balls. The quantity of seed planted may cause the plants to come up thicker than they ought to be, in which case they ought to be thinned moderately; every time that the land is weeded and after this has been done three times, the plant will have acquired sufficient strength and size to form the ball, and be out of danger of the worms; then they should be thinned, having regard to the fertility of the soil, so that they be from six inches to

two feet a part; on rich soil the rows ought to be from five to six feet apart, measured from the centre of one to the centre of another, and the plants after the third weeding from two to three feet apart; cotton planted on this description of land should be topped once or twice and the suckers removed, the end of July being the proper time to do this.

The picking of the cotton commences in the beginning of August and continues until frost; after it is housed it should be separated, cleaned from the ball, and separate all the yellow and stained parts from it, and then pass it through the mill or gin to remove the seed. My crops are cleaned by machinery worked by water power, four of which will give about three hundred pounds per day. The usual yield is from one hundred and fifty to two hundred pounds per acre, and generally one hand can work five acres, besides three acres in provisions. When the field is cleared by decay of stumps and roots of trees, so as to allow the hoe to be used freely, more land can be worked with the same number of hands.

JUAN MARIA QUEEN,
JOSE MARIA DE LA TORRE,
SOMERUELOS.

(A copy)

Here follows the certificate of the keeper of the public archives at St. Augustine, Florida.

I certify that the foregoing is a correct translation from the Spanish document annexed.

JOHN M. FONTANE,
Translator.

Paper No. 2, referred to in the foregoing petition of Jose de la Maria Torre, being the concession made to him, said Torre, of 500 acres of land by Governor White.

No. 2.—*Petition.*

Señor Governor. Don Jose Maria de la Torre, brevet colonel and commanding the battalion which garrisons this place, respectfully represents to your excellency, that being desirous of promoting in this province the culture of tobacco, cane, and other useful plants, in consequence of several experiments made, and knowledge which he has acquired in the matter for the last fifteen months, he requested Don Francisco Rovira, a resident of this place, to relinquish the lands which your excellency had granted to him at a place called Mutrie, which he agreed to do as soon as he shall have gathered the crop of corn he had on them, provided your excellency would not interpose any objection; therefore he prays your excellency to be pleased to grant him the five hundred acres of land of which the said Rovira's plantation is composed, upon the usual conditions in similar cases; which favor he hopes to obtain from the justice of you excellency.

JOSE MARIA DE LA TORRE.

Saint Augustine, 23d July, 1806.

Decree.

SAINT AUGUSTINE, 30th July, 1816.

Inasmuch as Don Francisco Rovira has relinquished the five hundred acres of land which had been granted to him at Mutri creek, and which he was notified to do, because he had not cultivated them with his slaves, the same are granted to the brevet colonel commanding the 3d battalion of Cuba, Don José Maria de la Torre, in accordance with his prayer in this petition.

WHITE.

Don Juan de Pierra, lieutenant of grenadiers of the 3d battalion of the infantry regiment of Cuba, and secretary of Government, by his Majesty, do certify, that the foregoing is a faithful copy from the original which is on file in the secretary's office under my charge. In testimony whereof, and for the purposes which may be required, at the request of the said Don José de la Torre, I grant these presents at St. Augustine, Florida, this 10th of September, 1806.

JUAN DE PIERRA.

I, Don José de Zubigarrette, notary of H. M. and of the royal exchequer, and of the protocols of this city of St. Augustine, Florida, and province, do certify, that Don Juan de Pierra, by whom the foregoing document is signed, is, as he styles himself, lieutenant of grenadiers of the third battalion of the infantry regiment of Cuba, and as such to all his acts full faith and credit are given in judicature and thereout. And in testimony whereof, where it may avail, and at the request of the party interested, I sign and rubricate these presents upon common paper, stamped paper not being used. Saint Augustine, Florida, dated as above.

JOSÉ DE ZUBIGARETTE,
Government notary.

Copy:

SOMERUELOS.

Here follows the certificate of the keeper of the public archives at St. Augustine, Florida.

I certify that the foregoing is a true and correct translation of the Spanish document hereto annexed.

JOHN M. FONTANE,
Translator.

Royal order referring the matter of Torre's petition back to the Governor of Florida, through the Captain General of Cuba.

His excellency the secretary of state and of the exchequer informs me by royal order dated the 18th day of July what follows:

The commander of the 3d battalion of the infantry regiment of Cuba

stationed at St. Augustine, Florida, Don Jose Maria de la Torre, has prayed the King to grant him the property of sixty caballerias of land, including the fifteen at the place known as Mutri, as appears from the documents which he encloses; and by command of the King, I transmit to your excellency said proceedings, in order that, in accordance therewith, you make such concession to Torre which you may deem proper, and make report thereof for the sovereign approval; and I transmit the same to you with the documents referred to, that upon being informed of the same you may inform me whatever you may do in the matter, in accordance with what is stated in the royal order, that in view thereof such measures shall be adopted as may be deemed proper.

God preserve your excellency's life many years. Havana, 14th January, 1808.

EL MARQUES DE SOMERUELOS.

To the Governor of East Florida.

Here follows the certificate of the keeper of the public archives at St. Augustine.

I do hereby certify that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

Official report and communication of Governor White to the Government upon the foregoing application of Torre for 60 caballerias of land.

His excellency the Captain General: Under date of the 14th of January ulto. your excellency transmitted to me a copy of the royal order dated 18th July of the past year, and directs me to report whatever I may deem proper in relation to the prayer of the late Don José Maria de la Torre, commanding the third battalion of Cuba, addressed to the King for a concession of sixty caballerias of land, including the fifteen which he possesses at a place known as Multrie. Although the death of said chief may render any report useless, I will nevertheless give your excellency a full and minute account on the subject for the purposes which may yet be deemed useful.

The grants of land to new settlers or inhabitants who solicit them, agreeably to the royal order, communicated by the captain general on the 29th of October, 1790, are made to them in proportion to the number of laborers they have for the cultivation of the same, by allowing each head of a family fifty acres; to their children and slaves of both sexes, over the age of sixteen years, twenty-five acres; and to those over eight years, fifteen acres. This rule, which has been observed without any exception of persons was, however, relaxed as regards the aforesaid commandant, although he had no laborers, by granting unto him five hundred acres at the aforesaid place known as Multrie, not because I expected that any thing useful would result thereby which would promote agriculture, but because I desired to show him that it was not my

intention to oppose his plans of establishing in this province the culture of tobacco, sugar-cane, and other fruits of the earth; and also because, as he sets forth in his petition, he bound himself to comply with the conditions established for the grantees of land, to wit, that they should cultivate the same uninterruptedly for the term of ten years, with the number of laborers proportioned to the quantity of lands granted, build a house thereon, and raise horned cattle. These conditions being complied with, a title of absolute property is given them.

Since the 23d of July, 1806, that the deceased took possession of the five hundred acres up to the fifth of December of the following year, when he died, he did nothing else than to repair a small house there was on the place, plant a little corn and sweet and Irish potatoes; and I think he would not have occupied himself in planting any thing else if he had lived many years, owing to his want of money and laborers required for the cultivation of tobacco, sugar-cane, and other plants—since the amount of his pay and what other money he could contrive by various means to get into his hands he would convert to his own personal uses; and at his death it was ascertained that he was indebted to the funds of his corps and to some residents of this place about five thousand dollars, without counting an equal or larger sum which I am informed he owes to several other individuals, who do not prefer the same, as they consider them irrecoverable, because the whole of his estate, which was sold at auction, did not amount to more than a little over three thousand four hundred dollars, although with a view to enhance the prices I allowed certificates of credit to be given against the battalion and the royal exchequer to be received in payment of the property, the particulars of which your excellency will see in due time, upon a view of the settlement of his estate, which is now being made.

From the foregoing your excellency will infer, that if the ideas of the deceased would have been directed towards the general welfare of this country and of the State in promoting agriculture, as he states to the King, he would have laid out upon his plantation at least a part of the money received from his creditors, and thereby shown his honesty of purpose, to enable him to have some shadow of reason for soliciting the 60 caballerias as a recompense for the indispensible disbursements which he would have to incur (although he should do so with other people's money) to make the settlement, which would amount to nothing but what he calls an estate.

The rumors circulated at different times that this province would be ceded to the United States was the cause, not only that many American citizens came to it, and became subjects of H. M. with the object of obtaining lands, but also to excite among our residents a spirit of speculation in the purchase and sale of lands which were considered very valuable. This spirit, and not that of patriotism, induced the deceased commandant, in my opinion, to ask for the 500 acres and to solicit also from H. M. the grant referred to, because he was not so stupid as not to know that the experiments which he meditated to undertake upon a large scale in regard to the culture of tobacco, sugar cane,

and other plants, would never be successful for the want of means; and because this climate is not adapted for their growth, as he himself has already experienced, as well as other persons who have for their amusement tried it in their gardens.

I cannot really imagine upon what principle the deceased commandant thought it would be advantageous in promoting agriculture by giving the absolute right to the lands already distributed, and hereafter to be distributed, to those inhabitants in whom the government had confidence.

If under the present regulations, they knowing that they cannot obtain a title in full property without complying with the conditions established, there are many of them who, owing to their natural inconstancy or reprehensible indolence, abandon the lands after having held possession of them several years, what could be expected if, from the instant that the lands are conceded to them, they should consider the same as their property, and be at liberty to dispose of them by sale or otherwise?

There would be inhabitants who, immediately after obtaining their title of full property to the lands, would transfer them in the same manner that others have done, as soon as the patent for the property had been issued to them in consequence, after the ten years' possession and cultivation, one of whom is Don Juan McQueen, who furnished the commandant with the document which accompanies his petition No. 1 in relation to the state of productions, and among them that of cotton, in this country. One of the many evils that would result against population and agriculture, arising from the sales referred to, is that three or four individuals possessing means would become owners of almost all the province by the disbursement of small sums of money.

The importation of provisions will always be required for the subsistence of the province, as I am sure the evil would not be remedied by the granting of lands in absolute property; but on the contrary, I know that lands owned in fee are those which are not cultivated, because the owners thereof are aware that they cannot be dispossessed of them even if they are left uncultivated.

As the land granted to the commandant has become vacant in consequence of his death, it would be advantageous that it should be granted to the purchaser of the improvements thereon, with the laudable object of enhancing the value of said improvements, so as to pay off his large indebtedness as far as possible; which said improvements have been sold at public outcry for the sum of one thousand dollars, payable with certificates against the battalion and the royal exchequer.

God preserve your excellency many years. St. Augustine, Florida, 1st March, 1808.

SR. MARQUES DE SOMERUELOS.

Here follows the certificate of the keeper of public archives at St. Augustine, Florida.

I certify that the foregoing is a true and correct translation from the Spanish document annexed.

JOHN M. FONTANE,
Translator.

The Captain General of Cuba to Governor of East Florida.

Yncluyo á V. S. copia de la instancia que me ha presentado Don Guillermo S. Smith, naturalizado Español, solicitando se le permita establecer con sus negros en la ysla de Jupiter, situada en la costa de esta provincia, á quien en vista de lo informado por el vocal de la diputacion provincial, Dn. Fernando de la Maza Arredondo, concedo dicho permiso, á no ser que para ello se le ofresca á V. S. algun reparo, en cuyo caso suspenderá el efecto de esta gracia, y me dará cuenta de lo que resulte en el particular.

Dios guarde á V. S. muchos años. Habana, 24 de Abril de 1813.

(Signed) JUAN RUIZ DE APODACA.

Señor Gobernador de la Florida oriental.

I certify the foregoing to be true copy of the original on file in the office of the surveyor general of Florida. St. Augustine, 17th May, 1852.

ANTONIO ALVAREZ.

Memorial.

Esc'mo s'or Cap'n G'ral: Don Guillermo S. Smith, vasallo de S. M. catolica, el señor Don Fernando septimo, y vecino de la provincia de la Florida oriental, segun acredita la adjunta certificacion de la secretaria de aquel gobierno, ante V. E. se presenta, y con el debido respeto espone: Que habiendose establecido en el pueblo de Fernandina de la ysla Amalia, siguiendo el lejitimo comercio, se ha visto obligado á abandonar su establecimiento con motivo de la desgraciada revolucion que tanto aflije aquella provincia, con el grave perjuicio de considerables perdidas, y como de resultas de ellas se ve en la necesidad de buscar un lugar menos espuesto para formar un establecimiento agricultural para proveer á la subsistencia de su familia, he reconocido una posicion que al mismo tiempo que reune la ventaja de ser punto medio de comunicacion entre la Florida y esta capital, ofrece otras que favorecen mucho las beneficias ideas del esponentes; por tanto A. V. E. rendidamente suplica se sirva concederle la debida licencia para que pueda pasar á establecerse con su familia y negros en la yslita llamada de Jupiter, situada sobre la costa de la Florida en la boca de la canal en la latitud 27° norte, concediendole al mismo tiempo en propiedad las tierras necessarias en aquella yslita para efectuar de un modo firme y seguro dicho establecimiento; ofrece el esponente tener siempre listo y á la disposicion del gobierno, su persona y un bote bien equipado, asi para desempeñar las ordenes superiores de V. E. y del sor. gobernador

de San Agustin de la Florida, como para socorrer á los buques nacionales y amigos que se hallasen necesitados, y muchas veces perecen sobre aquella costa despoblada por falta de ausilios. Es gracia que suplica del piadoso corazon de V. E. Habana, 27 de Febrero de 1813.

GUILLERMO S. SMITH.

Documento que cita.

Dn. Tomas de Aguilar, primer oficial de la secretaria de gobierno y encargado de su despacho por vacante de secretario, certifico, que Dn. Guillermo Sidney Smith, natural del reyno de Escocia, y de ejercicio navegante, prestó juramento de fidelidad y vasallage a S. M. C. el sor. Dn. Fernando septimo, y autoridades constituidas en su nombre, en veinte de Noviembre de mil ochocientos once, segun por menor consta en el cuaderno 10 á fs. 8, donde se sientan los que de esta clase prestan los nuevos pobladores, y se halla en este archivo á mi cargo; y en virtud de decreto superior puesto en instancia del interesado, firmo la presente en San Agustin de la Florida, á quince de Enero de mil ochocientos trece.

TOMAS DE AGUILAR.

Decreto del S'or Cap'n G'ral.

Habana, 31 de Marzo de 1813. Pase esta instancia á informe del señor diputado provincial, Dn. Fernando de la Maza Arredondo. Una rubrica.

Ynforme.

Esc'mo s'or: Me consta ser cierto lo que espone el promovente de esta instancia con respecto á haber estado establecido en la ysla Amalia, y haberse visto obligado á salir de aquel destino por su adhesion á la justa causa del gobierno, y contra los insurgentes y sus asociados enemigos de aquella provincia de la Florida oriental; tambien concidero de mucha utilidad el establecimiento en el punto que solicita, por que la esperiencia ha enseñado que és donde los temporales arrojan la mayor parte de las embarcaciones que naufragan á la salida de canal, y podria ser un asilo para las tripulaciones que se hubiesen salvado, y aun para los cargamentos que el mar comunmente arroja sobre aquella costa, asi mismo seria util por que manteniendo siempre pronto el bote que propone facilitaria la comunicacion de aquel gobierno con este en caso de urgencia, y aunque estubiesen bloqueados los puertos de aquella dicha provincia. Siendo cuanto considero debo informar á V. E. obedeciendo el superior decreto que antecede. Habana, 12 de Abril de 1813.

FERNANDO DE LA MAZA ARREDONDO.

Es copia.
(Signed) JUAN ANTONIO LOPEZ.

I certify the foregoing to be a true copy of the original on file in the office of the surveyor general of Florida. St. Augustine, 17th May, 1852.

ANTONIO ALVAREZ.

Ex'mo Sor.: Por el oficio de V. E., de 24 de Abril, ppo., quedo enterado de haber V. E. concedido su superior permiso al naturalizado Español, Dn. Guillermo S. Smith, para que pùeda establecerse con sus negros en el callo sitiado á inmediacion de estas costas, nombrado Jupiter, y consecuente á lo que V. E. se sirve prevenirme digo que no se me ofrece otro reparo que la de ser dicho S. Smith estrangero, cuya clase de pobladores desearia no se multiplicase mucho en esta provincia.

Dios guarde á V. E. muchos años. Sn. Agustin de la Florida, 8 de Junio de 1812.

Ex'mo Sor., DN. JUAN RUIZ DE APODACA.

(On the margin.) Participando queda enterado haberse concedido permiso al naturalizado S. Smith para que con sus negros se pueda establecer en el callo de Jupiter, situado á inmediaciones de estas costas.

I certify the foregoing to be a true copy of the original on file in the office of the surveyor general of Florida. St. Augustine, 17th May, 1852.

ANTONIO ALVAREZ.

He visto la contestacion de V. S. á mi oficio de 24 de Abril del año procsimo pasado, contrahido al permiso que concedí á Dn. Guillermo S. Smith, para establecerse con sus negros en la Ysla de Jupiter, situada en la costa de esa provincia, manifestando no se le ofrece otro reparo que ser el interesado estrangero; y á consecuencia digo á V. S. que constando por certificacion del Secretario de ese gobierno ser S. Smith, Español naturalizado ahi, solo resulta la circunstancia de trasladar su establecimiento á otro territorio de la provincia, y que por consecuencia no aparece obise para ello.

Dios guarde á V. S. muchos años. Habana, 7 de Noviembre de 1814.

(Signed) APODACA.

Señor Gobernador de la Florida oriental.

I certify the foregoing to be a true copy of the original on file in the office of the surveyor general of Florida. St. Augustine, 17th May, 1852.

ANTONIO ALVAREZ.

The Captain General of Cuba to Governor of East Florida:

I enclose to your excellency a copy of the application which Don William S. Smith, a naturalized Spanish subject, has presented to me, soliciting that he may be permitted to establish himself with his negroes in Jupiter Island, situated on the of that province; to whom,

having seen the report of the delegate of the provincial deputation, Don Fernando de la Maza Arredondo, I have granted such permission, but not to take effect if there appears to your excellency any objection; in which case the operation of this concession will be suspended, and you will give me an account of what results in this particular.

God preserve your excellency many years. Havana, 24th April, 1813.

JUAN RUIZ DE APODACA.

To his excellency the Governor of East Florida.

Here follows the certificate of the keeper of public archives at St. Augustine, Florida.

I hereby certify that [the] foregoing is a correct translation of the Spanish document annexed hereto.

JOHN M. FONTANE,
Translator.

Petition.

His excellency, the Captain General:

Don William S. Smith, a *a* subject of his catholic Majesty, Ferdinand the 7th, and an inhabitant of the province of East Florida, and so accredited by the annexed certificate of the secretary of the government, present myself before your excellency, and with much respect state: That, having established myself in the town of Fernandina, upon Amelia island, following lawful commercial pursuits, I have seen myself obliged to abandon such establishment, by reason of the disgraceful revolution which now so much afflicts that province, to the heavy injury of considerable losses, and, as their result, seeing myself obliged to seek a place less exposed, in order to establish an agricultural settlement to provide for the subsistence of his family. I have found a place which unites the advantages of being a middle point in the communication between Florida and this capital, offering other advantages which favor greatly the benevolent ideas of your petitioner; wherefore he prays your excellency will be pleased to grant him the necessary permission to enable him to go, with his family and negroes, on to the island called Jupiter, situated upon the coast of Florida, at the mouth of the Gulf channel, in latitude 27° north; granting to him at the same time, in full property, the necessary lands upon said island to carry into effect, in a firm and secure manner, his said establishment. And your petitioner offers to keep ready, at the disposition of the Government, his person, and a boat well equipped, to despatch the orders of your excellency and of the governor of St. Augustine of Florida, as well as to succor national and friendly vessels which are in distress and ofttimes lost upon this uninhabited coast for want of help; a favor which he hopes from the distinguished clemency of your excellency.

Havana, 27 February, 1813.

WILLIAM S. SMITH.

Document referred to in foregoing petition.

Don Thomas Aguilar, first official of the secretary of the government, and charged with its management in the absence of the secretary—

I certify, that Don William Sydney Smith, a native of the kingdom of Scotland, and of the nautical profession, has taken the oath of fealty and vassalage to his catholic Majesty, our lord, Ferdinand 7th, and to all authorities constituted in his name, upon the 20th of November, 1811, as appears on book 10, upon folio eight, upon which this class of new settlers is registered, and which is archived in those under my charge; and in virtue of the superior decree granted at the instance of the party interested, I give the present at St. Augustine, Florida, 5th January, 1813.

THOMAS DE AGUILAR.

Decree of the Captain General, Havana, March 31, 1813.

Pass this application to the provincial deputy, Don Fernando de la Maza Arredondo, for a report.

(One rubric.)

Report.

EXCELLENT SIR: It appears to me to be true what has been set forth by the mover of this application, with respect to his having been established in the island of Amelia, and having been obliged to leave that place on account of his adhesion to the just cause of the government against the insurgents and their associate enemies of that province of East Florida. And I likewise consider there would be much utility in an establishment at the place he solicits, for experience has shown that it is where the tempests drive the greater part of the vessels which are shipwrecked at the outlet of that channel, and it would serve as an asylum for the crews which might be saved, as also for the cargoes which the sea ordinarily destroys upon that coast, and at the same time would be useful in always having ready the boat which he proposes, in order to facilitate the communication of this Government in cases of urgency, and when blockades of the ports of said province are established. All of which I consider proper to inform your excellency in obedience to the superior decree which precedes. Havana, 12th of April, 1813.

FERNANDO DE LA MAZA ARREDONDO,

A copy. J. DE LOPEZ.

Here follows the certificate of the keeper of public archives of East Florida, at St. Augustine.

I do hereby certify the foregoing to be a correct translation of the Spanish document annexed.

JOHN M. FONTANE,
Translator.

Report.

YOUR EXCELLENCY: By the official communication of V. E., of the 24th of April last, I am informed that your excellency has granted his superior permission to Don William S. Smith, a naturalized Spanish subject, that he may establish himself with his negroes at the island, situated immediately on the coast called Jupiter; and in accordance with what it has pleased your excellency to inform me, I say that there appears to me to be no other objection than that said S. Smith is a foreigner, which class of inhabitants it is not very desirable should be multiplied very much in this province.

God preserve your excellency many years.

Florida, 8th June, 1812.

His excellency Don JUAN LUIS DE APODACA.

On the margin—Communication by which I am informed that permission has been given to the naturalized citizen, S. Smith, with his negroes, to establish himself upon Jupiter island, situated on the coast.

Here follows the certificate of the keeper of public archives at St. Augustine, Florida.

I certify the above to be a true and correct translation of the Spanish document annexed.

JOHN M. FONTANE,
Translator.

From the Captain General to the Governor of East Florida.

I have seen the reply of your excellency to my order of the 24th of April of the year last past, in reference to the permission which I had given to Don William S. Smith, to establish himself with his negroes on Jupiter island, situated on the coast of that province, showing that there presents itself to you no other objection than that the party in question is a foreigner. Consequently, I say to your excellency, that it appearing by the Secretary of that Government, that said S. Smith is a naturalized Spanish subject here, and the simple circumstance of transferring himself to another portion of that province makes no obstacle to it. May God preserve your excellency many years.

Havana, 7th of November, 1814.

(Signed) APODACA.

Governor of EAST FLORIDA.

Here follows the certificate of the keeper of the public archives at St. Augustine, Florida.

I certify the foregoing to be a true and correct translation of the Spanish document annexed.

JOHN M. FONTANE,
Translator.

Defendant's document No. 50.

Despatch of Captain General to Governor of East Florida, in the handwriting of the Captain General himself.

En puntual cumplimiento de la real cedula de 6 de Febrero ultimo, presentada por Don Nicolas Garrido, apoderado del ex'mo Sr. Duque de Alagon, dispondra V. S. se le ponge en pronte posecion de los terrenos de esa provincia que S. M. se ha dignado concederle sin obstaculo ni impedimente, y le auxiliera V. S. en quento este de su parte para el mas pleno facto de este gracia, permitiendole usar de sus amplios poderes en todo la estencion que se las confirio dicho ex'mo Sr. Duque, segun el testimonio que V. S. me ha remitido con oficio No. 13, de 28 de Junio proximo anterior, tomando V. S. todas las medidas conducerlas en este importante amento, pues se le ha comunicado directamente la misma real orden, y dandome cuenta de lo que en ello se adelante y practique para hacerlo yo tambien á S. M. como se me *prajui*.

Dios guarde á V. S. ms. as. Havana, Julio 19, de 1818, etc.

JOSE CIENFUGOS.

Don Jose Coppinger.

Office of the surveyor general of Florida,
St. Augustine, 14th May, 1852.

I certify the foregoing to be a true copy of the original in my charge on file in this office.

B. A. PUTNAM,
Surveyor General.

[translation.]

For the punctual compliance of the royal order of the 6th February last, presented by Don Nicolas Garrido, attorney of the most excellent Duke of Alagon, your lordship will take measures to put him into immediate possession, without the least obstacle or hindrance, of the lands which his Majesty has been pleased to grant him in that province; and your lordship will give him all the aid in your power to carry into effect the object of this concession, and to permit him to use, to the fullest extent, the powers conferred upon him by the said most excellent Duke, as appears by the certificate copy thereof, which your lordship transmitted to me, enclosed in official communication No. 13 of the 28th of June last, adopting at the same time such other measures respecting this important subject, as may be deemed proper, inasmuch as the same royal order has been communicated to you directly, and report to me whatever may be done in the matter, in order that I may also make report of the same to his Majesty, as I have been instructed to do. God preserve your lordship many years.

JOSE COPPINGER.

Havana, July 19, 1818.
Señor Don Jose Coppinger.

I hereby certify that the foregoing is a correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

And the witness (Alvarez) further gave evidence, that he was in the aforesaid office when the papers relating to the Alagon grant came to East Florida; that Jnō. Garrido came here (to St. Augustine) in May or June, 1818, with the papers, which he sent to the Governor, and in consequence the Governor gave possession to Garrido of grant of the Duke of Alagon of the lands, and that not long after duplicates were received from the Captain General of Cuba at the office here of the same papers, and afterwards he thinks triplicates.

And thereupon defendant offered to propound to said witness the following question, to the admissibleness of which the plaintiff objected; but the court overruled the objection, and the plaintiff excepted to the ruling of the court, and hereby insists on said exception, to wit: "Were the circumstances going to show unusual haste on the part of the Duke of Alagon or the Government of Spain, in this matter, and, if so, what were they?" and, answering said question, witness said that he knew nothing except the sending duplicates and triplicates of the papers, and one of them, he thinks, was in the handwriting of the Captain General; that is, the letter or despatch of the Captain General to the Governor was in his own handwriting, which was unusual; no other instance of the kind took place that witness remembers. And the defendant then offered to propound to witness the following question, to the admissibleness of which the plaintiff objected, and the court overruled the objection, and plaintiff excepted to that ruling, and insists hereby on the exception, to wit: "Was it understood here (in St. Augustine) at the time these grants were received that negotiations were pending between Spain and the United States for the cession of the Floridas?" And answering said question, witness said that it was known that negotiations were pending between the two governments, which might terminate in a cession of the Floridas; that it was understood that the cession was a matter of negotiation; and the witness then produced the paper heretofore marked by him as being, as he thought, in the handwriting of the captain general, which is as follows:

Document 50 on preceding pages, 729 and 730. [Print, p. 320.]

The defendant then offered to propound the *propound to* said witness (Alvarez) the following question, to the admissibility of which the plaintiff objected; but the court overruled the objection, and the plaintiff excepted to that ruling of the court, and hereby insists on his exception, to wit: "Do you remember any instance except that of Alagon, in which the King granted lands in Florida without first consulting the Governor or the Captain General of Cuba?" and answering, said witness said that he did not remember any; and said witness further stated in evidence that he was keeper of the archives in East Flor-

ida from 1829 to 1848, and is entirely familiar with the papers; and that, so far as he knows, the despatch of the 17th December, 1817, (the petition and royal order on it contained in plaintiff's paper No. 1, given in evidence as part of his title,) was never communicated to the provincial government. Witness never saw it in the office of that government; and that, while keeper of the archives under the United States the papers relating to the Alagon grant; that the first paper received here Government, he several times made examinations in the office for all by the Spanish Government was the royal cedula of 6th February, 1818; and cross examined witness said, that he had no knowledge of any application for lands in East Florida direct to the King, except the two of Gios and Torre before stated by him.

And defendant then read in evidence from the 4th volume of American State Papers (foreign relations) the message of the President of the United States of 22d February, 1819; and the President's message of 13th February, 1821; and the accompanying documents, as contained in the same volume of State Papers; and the President's message contained in the 1st volume of Executive documents of the 1st session of the 16th Congress to Congress at that session; and from the volume of such documents from the 2d session of said Congress; the President's message to said session; and also the President's message to Congress of 9th May, 1820, as contained in the said volume of Executive documents of the 1st session of 16th Congress; all of which several matters of testimony are omitted for being actually transcribed, being entered in the agreement hereby referred to; and (embraced in said agreement, and therefore not here set out) various extracts from the Leges de las Indies; the Sales Partidas and the Nuevo Recopilación, and also the petition of Garrido, as attorney for the Duke of Alagon, of 13th September, 1818, to the Governor of East Florida, and the report and proceedings thereon, as contained in White's Compilation, published by order of Congress, and extending from pages 242 to 258, inclusive.

And the defendant then offered in evidence by said witness (Alvarez) that he had never heard of any settlement made in East Florida by the Duke of Alagon or under his authority, and that if any had been made witness did not know of it.

And thereupon the plaintiff read in evidence the following papers:

Plaintiff's document marked N.

[SEAL.] [SELLO 2o, 8 Rs.] [1835.] [AÑO DE 1835.]

Poder.

En la villa de Madrid, á veinte y nueve de Julio de mil ochocientos treinta y cinco, ante mi, el escribano de S. M., y testigos que se diran: El Sor. Dn. Vicente Murillo y Monte, vecino de esta corte, secretario de S M. y oficial *punlad* de la secretario de estado y del despacho universato hacienda, y el Sor. Dn. Roman Lorenzo Calvo, de su

propria vecindad, tambien secretario de S. M. y su escribano de camara en el tribunal supremo de guerra y marina, dixieron: Que el Rey, nuestro señor, Dn. Fernand septimo (que esta en gloria) por el orden de diez y siete de Diciembre de mil ochocientos diez y siete, tubo á bien conceder en plena propriedad al Sn. Dn. Francisco Roman de Espes, Fernandez de Cordova y Alagon, Duque de Alagon, y otros titulos; grande de España de primera clase, capitan general de los reales escritos de S. M., su gentil hombre de camara con ejercicio, y capitan comandante y gefe superior del real cuerpo de guardias de su real persona, y para si y sus subcesores el terreno inculto que no se hallaba cedido en la Florida oriental, situado entre las margenes de los rios Santa Lucia y San Juan, hasta sus embocaduras en el mar y la costa del golfo de la Florida é islas adjacentes, con la embocadura del rio Hijuelos por el grado veinte y seis de latitude, siguiendo su orilla isquierda hasta su nacimiento, tirando una linea á la laguna Macaco, vajando luego por el camino del rio San Juan hasta la laguna Valdes, constande por otra linea desde el extremo norte de esta laguna hasta el nacimiento del rio Amarima, siguiendo la orilla isquierda hasta su embocadura, por las veinte y ocho ó veinte y cinco de latitude, y continuando por la costa del mar, con todas las islas adjacentes, hasta la embocadura del rio Hijuelos; de cuya gracia y concesion se expidio á favor de dho. ex'mo Señor Duque la correspondiente real cedula, con fha. en esta corte á seis de Febrero de mil ochocientos diez y ocho, firmado de la real mano, y refrendada por el Sr. Dn. Estaban Varca, su secretario y del supremo consejo y camara de Yndias; concediendo por ella facultad á S. E. para que verificare la introduccion de negros para el travajo y cultivo de las tierras libre de derechos, comunicandose para que tuviese devido cumplimento las oportunas, ordene asi al ex'mo sr. capitan general de la isla de Cuba, governador de la Habana, como al antecedente governador de San Agustin de la Florida, y demas autoridades convenientes. Que para administrar, dirigiar y governar dhos. terrenos cedidos por la munificencia de S. M., y tomar posesion de ellos, confirio S. E. las mas amplio generales é ilimitadas poderes á Dn. Nicolas Garrido, qui en aceptandolas se constituyo en otros permisos y tomo posecion á nombre de sr. Duque que se le dio, real, corporal, vel cuasi, en forma, por el intendente governador de San Agustin de la Florida, franqueandole de ello el competente documento; vendiose y enagenando las pedasos otros de terrenos de los comprehendidos en dha. gracia, que tuviese por conveniente para con su importe poder atender á la limpia, desmonte, cultivo, elamacion, del terreno restante, é introduccion de negros conforme en todo á las justas y beneficias intenciones de S. M. manifestadas bien terminamente en las especiadas reales, orden y cedulas; que tan luego como S. M. se digno conceder otra gracia y cesion de terrenos al citad ex'mo Sr. Duque de Alagon, y con objeto de llevar á cabo cuanto ante fuere posible las justas y beneficas intenciones del Rey, nuestro sr., *eugruero* á conferencia con Dn. Ricardo S. Hackley, vecino de Richmond, en Virginia, en los Estados Unidos de America, que en aquella epoca residia

en esta corte, asi en rason de los medios, modo, y forma de realisar el desmonte y limpia de parte de otros terrenos, para en seguida emprender la re-edificacion de edificios y consiguiente poblacion, como para la introduccion de negros que para ello se hacia indispensable y cuantisos desembolsas que habia que hacen; sobre lo cual el Dn. Ricardo S. Hackley, vajo su denominacion de Ricardo S. Hackley y compania, presento un pliego de condiciones vajo de ciertas vases, con fho. primero de Enero de mil ochocientos diez y ocho y aun en la mayor parte *eslateaue* sus formes y convenidas no llego el caso por entonces se que elevan á instrumento publico, y por la mismo asi las casas sin perjuicio de llevar mas adelante á cuales dho. convenio y tratado confiria los poderes generales de que va hacha expresion el citada Dn. Nicolas Garrido, y continuando las conferencias acerca del particular entre S. E., y Sr. Hackley á y compania todo el terreno que esta comprehendido desde la embocadura del rio Amarrima, por su orilla derecho, hasta las fuentes de este rio, tirando una linea al rio San Juan, y subiendo por la isquierda de este mismo rio hasta la laguna Macaco, y desde la puntad del sur de esta laguna, tirando una linea recta á las fuentes del rio Hijuelos, vajando por su orilla derecha hasta la embocadura del mar, continuando por la costa, con sus yslas adjacentes, reservandose en si S. E. por otra escritura en todo dominio y propriedad, todo el resto de los demas terrenos que no hevan comprehendidos en la referida escritura, asegurando por ella S. E. que la cesion que de suva hecha á favor de S. Hackley y compania heva en consideracion á las ventajas que se prometra en el modo y forma de realizar de la limpia, desmonte y poblacion segun á quel habia permetia. Que con motivo de las occurencias politicas acabrecidas en este corte desde el memorable dia, siete de Marzo de mil ochocientos veinte, tubo que salir de ella el estado ex'mo Sor. Duque de Alagon y conferir sus amplio generales, especiales, é elimitades poderes al compareciente Don Vicente Murrillo y Monte, usando de ellos este su union con Don Gregorio Gonzales Araola, representante del Don Richard S. Hackley, domiciliado en Richmond, en los Estados Unidos de America, á virtud del papel de sociedad, firmado por Araola y S. Hackley, con fha. diez y ocho por escritura que otorgaron á nombre de sus respectivos principales, con fha. treinta de Junio del referido año de mil ochocientos veinte, con referencia á todo y principalmente á la que va relacionada de veinte y nueve de Mayo de mil ochocientos diez y nueve, declararon y convinieron que la citada cesion lo habia hecha S. E. en favor de S. Hackley y compañia, en los terrenos que de la misma aparecia fué que al mismo tiempo se habian convencido, reservadamente ambos interesados en ql. mas adelante y por media de la correspondiente esc'ra se habian de hacer cuatro partes de los terrenos cedidos á S. Hackley y compañia; de las cuales la una y mas principal habia de ser y entenderse de la propriedad, privativa y exclusivo, de S. E. y de las tres partes iguales restantes, la una se dedico y adjudico precisamente para las gastos y desembolsos que indispensablemente habia que hacen para llevar á cabo la limpia, desmonte, y consiguiente poblacion, y llevar con ello las

justas y savias intenciones de S. M. ; otra para el Dn. Ricardo S. Hackley y compañia, y su representante Dn. Gregorio Gonzalez Araola, y la restante para Dn. Antonio Novieja, vecino de este corte, en consideracion á la gratitud que le merecia S. E. tanto por la cantidades que le hera en dever como por las ideas y conocimientos que le habia suministrado para el mayor escrito de la empresa de la gracia, y que habia ofrecido continuarlos hasta que todo que dare cosas ente y solventado, conviniendose al mismo tiempo por dha. escritura en que por entonces continuarse el Dn. Ricardo S. Hackley y compañia administrando y governando por si otros terrenos respecto la sumo confianza quedo el tomase, y de que as in tiempo daria de ello las oportunas cuentas reparando se á mayor abundamiento Araola á nombre de su representante S. Hackley, y remitiendose y apartandose del derecho y acciones, este habia adquiriad por la citada escritura de veinte y nueve de Mayo de mil ochocientos diez y nueve, á los terrenos que por ella le fueron cedidos, aceptando, adquiriendo, y pasando solo á su poder una de las tres cuartes partes de terreno que quedara designada, quedando por consecuencia en estar parte nota nula y de ningun valor ni efecto la nominado escritura de veinte y nueve de Mayo, y quedo se tubiese por firme y validera la de treinta de Junio de ochocientos veinte, lo cual aceptaron á nombre de sus respectivos principales, asi el Dn. Gregorio Gonzales Araola, como el compareciente Dn. Vicente Murillo y Monte, é igualmente el Dn. Antonio Novieja, que se hallo presente por los respectivos partos que le hivan designados y adjudicados con todas sus entradas y salidas, derechos y servidumbres que hasta entonces habian tenido y se hecho, y por derecho habian correspondido á S. E., para que cada vu respectivamente despusiese de ello como cosa suyo adquirido por justo y legitimo titulo, como lo hera la referida escritura, asegurando asi bien el compareciente Dn. Vicente Murillo y Monte, á nombre de su principal el sr. Duque, que este no tenia hecha ninguna otra cesion de otros terrenos que la que en parte que dava amitada por la misma escritura de treinta de Junio. Que en uso de las facultades y demas partado por esta el sr. Dn. Antonio Novieja, por si y á nombre de sus hijos, herederos y subcesores, cedio, y renuncio, y transparede de su libre y espontanea voluntad, por siempre jamas, la parte de terreno que habia adquirido por las causas y rasones que van relacionadas por la escritura de treinta de Junio, á favor de los comparecientes, Dn. Vicente Murillo y Monte, y Dn. Roman Lorenzo Calvo ; y los suyos por otra escritura, otorgada por el mismo, con fha. en esta muy heroyica villa á siete de Enero de mil ochocientos veinte y uno, por ante el ex'mo á S. M. y de su ilustre colegio, Dn. Miguel Calvo Garcia, vajo la obligacion y garantia de quedar responsables, las sur dho. á reintegrar y satisfacer al citado Novieja, en diner efectivo metalico, la suma que segun cuentas aprovidas hasta aquella epoca le hera endever dho. sr. Duque de Alagon, en cuyo terminos quedo aceptare por los comparecientes, y á su consecuencia noticiosos estos de que el citad ex'mo Duque de Alagon, revocando los poderes que tenia con-

feridos para administrar y dirijia dhos. terrenos á Dn. Nicholas Garrido, habia dado conferied y otorgad otras á los proprios fines, con las mas amplias é ilimitados facultades, á favor del ex'mo sor. Marquese de Casa Ramos, de la fidelidad de la Habana, domiciliado en dha. ciudad, hicieron lo proprio los comparecientes, para que al mismo tiempo administrare, dirijiere, y governare, la parte de terreno que por las causas y rasones han espresadas les toca y concesion de y aunque otra ex'mo Marque acepto gustoso unos y otros poderes no llego el caso de poder lo realisar nada, y en tal estado acaban su fallecimiento y asi las cosas [illegible] que dha. ex'mo sor. Duque de Alagon ha conferida amplios generales, especiales, é ilimitados poderes á Dn. Roman Pinto y Lopez, domiciliado en la ciudad de la Habana, y residente actualmente en esta corte, para que á su nombre administre, dirija, y govierne, los terrenos incultos que le corresponden en la Florida oriental, por la cesion y gracia que de ellos hijo S. M. y cesionados los otorgantes de las apreciables circunstancias y acquisitos que adornar la persona del suso dicho desde luego despues de varias conferencias tenidas con el acerca del particular han deliverado, conferir le tambien los suyos y á su virtud, poniendolo en ejecucion por el presente en la via y forma que mas haya lugar en dho. ciertos, seguros, y savedores, del que en el presente año respectivamente les compete. Otorgan, que dar y confieren todo en poder cumplid, amplio, especial, general, y tan vastante, cual por derecho se requiera mas pueda y deva valer, sin restriccion ni limitacion alguna, para que á nombre de los sres. otorgantes, y representando sus proprias personas, dros. y acciones, haya administre, dirijan, govierne en los terrenos y conformidad que lo havian y podrian hacerlo los otorgantes, si se halla ser presentes, la parte ó porcion de terrenos de los inculto, sito en la Florida oriental, cedidos y donados por S. M. al ex'mo señor Duqne de Alagon por la real orden de diez y siete de Diciembre de mil ochocientos y siete, y real cedula expedida á su virtud, con fha. en esta cortica dies de Febrero de mil ochocientos diez y ocho, firmado de la real mano, y refrendada por el Sr. Don Estaban Varca, su secretario, que legitamente lo corresponde para si, sus hijos, herederos y subcesores, por las causas y rasones que quedan manifestadas y resultan mas extensamente, asi de la escritura de declaracion de triente y Junio de mil ochocientos veinte, como de la cesion y donacion hecha y otorgada por el Dn. Antonio Noviejar, con fha. siete de Enero de mil ochocientos veinte y uno, á favor de las otorgantes y las que se remiten, tomando sobre ello cuentas á la persona, ó personas, companias ó corporaciones, que deban dar las haciendoles cargo por antero de cuanto hubiere ser tenido al suyo admitiendoles, en data justas y legitimas partidas, aprovandolas si las encontrase arregladas y corrientes, y no lo estando las pondras los agrarios y reparos que contengan que seguira hasta que queden sin ellos, nombrando en su caso contador ó contadores, haviendo que los otros interesados practiquieren lo mismo terreno en discordia ó de oficio, en reveldia, nombrando arbitros, arvitradores, y amigables compañedores, para las cosas y casos en

que ne se avinieren y convinieren, obligandose, á estar y pasar por sus actos, juicios, y sentencias. Asi mismo le dar y conferiendo poder y facultad amplia al nominado Dn. Roman Pinto y Lopez, con objeto de atender á los gastos indispensables que occuran hasta conseguia dejar corr'te y expedita la parte oposicion de terreno que les corresponde pueda vender y enagenar de *de* ella la posesion ó porciones que estime convenientes á la persona ó personas, companias ó corporaciones, y por el precio y forma de pagas que estipulan, otorgande sobre ello la escritura ó escrituras, oportunias con las clausulas, requisitos, pactos, y condiciones en quel se conviniere las cuales desde ahora para cuando llegue el caso opereban lo asi y notificar las sus otorgantes, como si, por si mismo, fueran hechas y otorgadas; dando de cuanto perciviere y cobrarse á favor de quien convenga los recivos cartas de pagas finiquitos, lastos y cuantos resguardos lo buena pedido, y sean se dar con fé de entrega, siendo de presente ó renunciacion de sus leyes no lo siendo; atendiose á mayor abundamiento á las instruciones que por separar le dar y comunicaren por son cartas misivas, segun las circunstancias y occurencias que se subiedar acerca del particular y de que progresivamente esperan les dara noticias y conocimiento de todo para obran conforme á ellas, sin que por falta de esprecion ó un que aqui no vaya contenida ni poneso dije de sentia, todo el efecto ql. á apetece pues á el intento todan aqui por convenid. como si efectivamente lo estubiera; y finalmente le dar poder y facultad pr. ql. si un rason de lo referido cadaciora ó puente fuere necessario parecer en juicio lo ejecute en los tribunales y ante las justicias y autoridades, inferiores y superiores, ql. correspondar, haciendo y presentando pedimentos, escritos, alegatos, *requirimiento*, sitacions, oposiciones, testigos, instrumentos, tachas, contradicciones, demandas per contestaciones, pretextas, juramentos, recusaciones, apelaciones, y suplicas, en todas instancias y tribunales, en prueva ó fuera de ella, opescas practique la ql. estuve conv'te, asi testifical como instrumentas pida terminos ó las asumere sus paro ungael, suspensiones ó restitutiones, pider escriva porciones ó otengar, embargas, y desembargas, de vienes ó venta trance y remate, con posecion y amparo, oiga autos y sentencias, interlocutorios y definitivas, consierta las favorables y de las adversas, apele y suplique por ante quien con dio. correspondiente, gave y obtenga cedulas, letras, provisiones, y todo genera de despachos que hava llevan é *puras* decider ejecucion; y finalmente, haga y procticase todos los demas actos y dichos, que judicial ó extra judicialmente, se requieran, pues el poder ql. por todo ello necesite el nominado Dn. Roman Pinto y Lopez, el mismo lo confirien con todas sus incidencias, dependencias, anecidades y conecidades, libre, franca, y gral. administracion, relevacion, y obligacion que segun dro. hacen de haverlo por firme y facultad de quo lo pueda sostituia en todo ó en parte, revocar unos y crear otras, con poderio y sumision á las justicias competentes, renunciacion de leyes de su favor, con las protuvera general de ellas en forma. Y asi lo dijeron otorgarones y firmaron á quienes y el ex'mo doy fé conosciendo, testigos de Dn.

Diego Marquisar, Don José Maria del Rio, y Dn. Fernando Piar Monter, vecinos y residentes en esta corte.

VICENTE MURILLO Y MONTE,
ROMAN LORENZO CALVO.

Ante mi,

MANUEL MATEOS.

Yo, el inf'to ex'mo de S. M. notarios de los reynos, vecino y del ill. colegio de esta muy heroica villa, presente fué, y en fé de ello lo signo y firmo en dos pliegos del sello segundo cuatro del cuarto mayor que componer doce fojas utiles, y en el queda su registro anotada este saca, al siguiente dia de su otorgamiento. [Flourish.]

MANUEL MATEOS.

Comp'on. Los ex'mos de S. M., notarios de sus reynos y del ylustre colegio de esta muy heroica villa de Madrid, que aqui signamos y firmamos, dan fé: Que Dn. Manuel Mateos, por quien se halla dada la copia de poder que antecede és nuestro compañero como se titulo, y el signo y rubrica con que le autoriza son losque costumbra en todos los instrumentos pertenecientes, á su oficio, á los que se da entera fé y credito en ambos juicio; y para que conste donde convenga damos la presente, sellada con el nuestro referido colegio, en Madrid, fecha dia de su data.

[Flourish.]

(Seal of Royal College of Notaries of Madrid, 30th July, 1835.)

[Flourish.] [Flourish.]
VALENTINE SANTE DIAZ,
ZACARIAS DELGADO,
JOSE CAMILLO ALBERNOSE.

Dn. Mateo de Norzogaray, caballero de la rl. y distinguida orden Española de Carlos Tercero, del consejo de S. M., teniente de corregidor de esta muy heroica villa y corte de Madrid, su tierra y jurisdiccion, &c., &c., certifico, que Dn. Jose Carnillo y Albornoz, Dn. Zacaria Delgado, y Dn. Valentin Santa Diaz, por quienes se halla dada y autorisada da la comprobacion que antecede, son escribaños de S. M. la Reyna, nuestra señora, notarios del reyno, vecinos del colegio de esta villa, como se titulan; cuyos signos y rubricas son los que usan en su oficio, el que desempenan bien y fielmente á mi satisfaccion y demas jusgados dandose á todos sus actos entera fé y credito en ambos juicios; y para que conste doy la presente, que firmo en Madrid, á treinte y cinco de Agosto de mil ochocientos treinta y cinco.

MATEO DE NORZAGARAY.

Don Manuel Garcia Herreros, procer del reyno, del consejo de estado, notario mayor de los reynos, y secretario de estado y del despacho universal de gracia y justicia de España é Yndias, &c., &c., certifico, que Don Mateo Norzagaray, por quien esta autorizado el anterior documento és tal teniente de corregidor de la villa y corte de Madrid, como se titula, y de su puño la firma que pone. Y para que conste doy el

presente, en Madrid, á veinte y seis de Agosto de mil ochocientos treinta y cinco.

ML. GARCIA HERREROS.

Don Jose Maria Gueyio de Dano, conde de Toreno, presidente del consejo de ministros, primer secretario del despacho de estado, &c., &c., certifico, que la firma que antecede és de Dn. Manuel Garcia Herreros, secretario del despacho de gracia y justicia. Y para que conste firmo el presente, en Sn. Yldefonso, á treinte y uno de Agosto de mil ochocientos treinta y cinco.

[SEAL.] EL CONDE DE TORRENO.

Legacion de los Estados Unidos de America, Madrid, 1o de Setiembre de 1835.

Yo, el infrascripto, Cornelio P. Van Ness, ministro plenipotenciario de los Estados Unidos de America, cerca de S. M. C., certifico, por la presente, que el ex'mo Señor Conde de Toreno és el secretario del despacho de estado de S. M. C., y por lo mismo ministro de relaciones estrangeros; y que la firma y nombre que aparece en el precedente certificado és de su proprio puño y letra. En testimonio de lo cual firmo el presente, esta, supondo el sello de la legacion de mi cargo.

[SEAL.] (Signed,) C. P. VAN NESS.

En la siempre fidelisima ciudad de la Habana, á veinte y seis de Abril de mil ochocientos treinta y seis, ante mi, el escribano publico, y testigos, comparecio D. Roman Pinto y Lopez, vecino de ella, ó quien doy fé conosco, y dijo, que los sres. D. Vicente Murillo, secretario de S. M., y oficial juvilado de la secretaria de estado y del despacho universal de hacienda, y D. Roman Lorenzo Calvo, tambien secretario de S. M. y su escribano de camara en el tribunal supremo de guerra y marina, y tiennen conferido su poder en la real villa y corte de Madrid, á veinte y nueve de Julio de mil ochocientos treinte y cinco, por ante el escribano Dn. Manuel Mateos, segun aparece del testimonio que antecede. Y usando de las facultades que en dicho poder se le confienen, otorga que lo sustituye en todo y por todo en el honorable Joseph M. White, ciudadano de los Ustados Unidos, para que lo use y ejersa del mismo mado que pudiera hacerlo el otorgante, obligando las bienes en dicho poder constituido asilo otorgo y firmo, siendo testigos Dn. Juan Rodriguez, Dn. Francisco Mantero; y D. Manuel Bello, vecinos presentes.

Ante mi,

JUAN DE ENTRALGO.

ROMAN PINTO Y LOPEZ.

Los escribanos de la Reyna, nuestra sra. (Q. D. G.) que aqui signamos y firmamos y damos fé, que Dn. Juan de Entralgo, por quien aparece autorizada la substitucion que Dn. Roman Pinto y Lopez, vecino de esta ciudad, hace del poder, que en testimonio antecede és

como se titula, escribano publico del numero de esta ciudad, fiel, legal y de confianza, y á sus semejantes y demas que certifica siempre si les ha dado y da entera fé y credito en ambos juicios; y para que conste damos la presente, sellada con el de nuestro real colegio de esta siempre fidelisima ciudad de la Habana, á veinte y seis de de Abril de mil ochocientos treinta y seis años.

(Flourish.) (Flourish.) (Flourish.)

JUAN DE PUENTES.
ANTONIO REGNEGRA,
FRANCO. VALERIO.

Vu pour legalisation des signatures des Srs. Juan de Puentes, Antonio Regnegra, and Franco. Valerio, notarios public de cette ville.

Habana, 9 Juillet, 1836. Le consul general de France.

[SEAL.] MOLLIER.

No. 208, salut, $2. Arte. du *hais.*

[EAGLE.]

CONSULATE OF THE UNITED STATES,
Havana.

I, Nicolas P. Trist, consul of the United States, do hereby certify, that the signatures to the foregoing are in the handwriting of Juan de Puentes, a notary royal, and Antonio Regnegra and Francisco Valerio, notaries public, all of the royal college of notaries of this city, to whose acts as such full faith and credit are due.

In testimony whereof I have hereunto set my hand and affixed my seal of office, at Havana, this ninth of July, in the year of our Lord one thousand eight hundred and thirty-six, and of the independence of the United States the sixty-first.

[SEAL.] N. P. TRIST.

TERRITORY OF FLORIDA,
St. John's county, city of St. Augustine, ss.

Be it known, that on the tenth day of August, A. D. 1837. I, the subscriber, clerk of the county court for the county aforesaid, have recorded the within instrument of writing in deed book M, from page 458 to 466.

Witness my name and the date above written.

BERNARDO SEGUI, *Clerk, C. C.*

Endorsed.

General power of attorney from Don Vicente Murillo y Monte and Don Ramon Lorenzo Calvo to Don Ramon Pinto y Lopez.

Substituted to Joseph M. White.

ST. JOHN'S COUNTY, *city of St. Augustine.*

Recorded this tenth day of August, 1837, in deed book M, pages 458 to 466.

BERNARDO SEGUI, *Clerk, C. C.*

[SEAL.]

Translation—Plaintiff's document N.—Power.

In the city of Madrid, on the twenty-ninth of July, one thousand eight hundred and thirty-five, before me, the escribano of his Majesty, and the witnesses hereinafter mentioned, appeared Señor Don Vicente Murillo y Monte, a resident of this court, secretary of his Majesty, and official pensioner of the secretaryship of state, and of the universal despatch of the exchequer, and Señor Don Ramon Lorenzo Calvo, of the same place, also secretary of his Majesty, and his escribano of chamber in the supreme tribunal of war and marine, said, that the King, our lord, Señor Don Fernando VII, who is in glory, by royal order of seventeenth December, one thousand eight hundred and seventeen, thought proper to grant in full property to Señor Don Francisco Ramon de Spes, Fernandez de Cordova y Alagon, Duke of Alagon, and other titles, grandee of Spain of the first class, captain general of the royal armies of his Majesty, lord chamberlain and superior chief of the royal body guards of the royal person, for himself, his successors, the uncultivated lands which have not already been ceded in East Florida, situated between the banks of the rivers San Lucia and San Juan, as far as their mouths at the sea, and the coast of the gulf of Florida and adjacent islands, with the mouth of the river Hijuelos, by the 26th degree of latitude, and along the left bank thereof as far as its source; then drawing a line to the lake Macaco; then descending by the way of the river San Juan as far as lake Valdes, drawing another line from the northernmost part of this lake as far as the source of the river Amarrima; then following the left bank as far as its mouth in 28 or 25 of latitude, and continuing along the coast of the sea, with all its adjacent islands, as far as the mouth of the river Hijuelos, of which favor and concession there was issued in favor of the most excellent Duke, the corresponding, a royal patent dated at this court, on the sixth of February, one thousand eight hundred and eighteen, signed by his royal hand and countersigned by Señor Don Estaban Varred, his secretary and secretary of the supreme council of the Indies, thereby granting to his excellency the right to introduce negroes free of duty to work and cultivate the lands, and to communicate for the due fulfilment the necessary orders to his excellency, the captain general of the island of Cuba and governor of Havana, as well as to the governor of St. Augustine, of Florida, and to all other authorities concerning this matter; that in order to administer, direct, and manage said ceded lands granted by the munificence of his Majesty, and to take possession of the same, his excellency conferred the most ample and general power on Don Nicolas Garrido, (who, upon accepting the trust, repaired to those

localities and took possession in the name of his excellency, the Duke, which was given him, real, corporal, vel quasi, in due form, by the intendants governor of St. Augustine, of Florida, of which proceedings the proper testimony was given him,) to sell and alienate such piece or parcels of the lands, comprehended or embraced in said favor or part that he may deem proper; that with the proceeds thereof he may undertake the clearing and cleaning, cultivation and working the remainder of the land, and the importation of negroes, according in every respect to the just and beneficent intentions of his Majesty, fully set forth in his said royal order and patent; that as soon as his Majesty was pleased to grant said favor and concession of land to the most excellent Duke of Alagon, in order to carry into effect as speedily as possible the just and beneficent intention of the King, our lord, he commanded to confer with Don Ricardo S. Hackley, a resident of Richmond, Virginia, in the United States of America, who, at that time was residing in this court, as well in relation to the proper means, manner, and form of opening and clearing such parts and places of said lands; that he may next undertake the erection of houses for the accommodation of, and the consequent promotion of population, as also in relation to the importation of negroes, which was necessary to the purpose, and which required large disbursements of money, upon which subject Don Ricardo S. Hackley under the style of Richard S. Hackley & Co., presented a paper of conditions under certain dated 1st of January, one thousand eight hundred and eighteen, and although both parties were agreed as to the greater part of said conditions, the case has not arrived for drawing the treaty and understanding in the form of a public instrument; and thus matters remained without prejudice to the parties continuing hereafter to carry into effect the treaty and agreement, he conferred general power of which mention has already been made, upon Don Nicolas Garrido, and continuing with the conference in relation to the matter between his excellency and S. Hackley, in the name of his company. His excellency, the Duke, bearing in mind the particular qualifications and great information which is found in the said Don Ricardo S. Hackley, the parties have agreed, setting aside the principle of said plan or paper of conditions, that his excellency shall grant a portion of the aforesaid lands to said Don Ricardo S. Hackley and company, and carrying such agreement into execution, and by virtue of conveyance of the 29th of May, 1819, before the appearer, Don Ramon Lorenzo Calvo, his excellency ceded, renounced, and transferred, unto the aforesaid S. Hackley and company, all the lands included from the mouth of the river Amarrima, along the right bank up to the source thereof; then drawing a straight line to the river San Juan, and then going up along the left bank of said river up to lake Macaco; and from the southern point of this lake drawing a straight line to the source of the river Hijuelos; then descending along its right bank to the mouth of the sea; then continuing along the coast with all its adjacent islands. His excellency however, reserving in said deed of conveyance, in full domin-

ion and property, all the remainder of the lands not embraced in said conveyance, his excellency assuring thereto, that the transfer of said deed which was executed in favor of S. Hackley and company, was done in consideration of the advantages which he expected to derive from the projected plan of cutting down and clearing, and settling said lands, which he (said Hackley) has promised, that in consequence of the political occurrences which took place at this court the memorable seventh day of March, 1820, his excellency the Duke of Alagon was compelled to quit the court, and to confer ample, general, special, and unlimited power on the appearer, Don Vicente Murillo y Monte, who acting by virtue of said power in conjunction, Gregorio Gonzaly Azaola, the representative of Don Ricardo S. Hackley, residing in Richmond, in the United States of America, in virtue of the article of co partnership signed by Alagon and S. Hackley, dated the 10th of April, 1818, by deed which they executed in the name of their respective principals, dated 30th June, 1820 aforesaid, with reference to all, and more particularly to that which has been heretofore related under date 29th May, 1819, they declared and agreed that the said transfer had been made by his excellency in favor of S. Hackley and company, in manner and form as appears by the same; but at the same time it has been privately agreed upon by both parties interested, that in future and by virtue of [the] deed of conveyance, four parts of the lands ceded to S. Hackley and company should be made, of which one and the principal part of one should be understood to be the private and exclusive property of his excellency, and one of the other three portions or parts of the remaining land was appropriated to defray the expenses and disbursements which would be necessary to carry into effect the opening, clearing, and settling the land, and the consequent promotion of population, and also the expenses and disbursements of settling the same, and thus to fulfil the just and wise intentions of his Majesty; another portion or part appropriated for Don Ricardo S. Hackley and company, and his representative Gregorio Gonzaly Azaola, and the remainder for Don Antonio Noviega, resident of this court, in consideration as well as for the gratitude of his excellency, as for sums of money which he was indebted to him, as also for the information he has imparted in furtherance of the object of the grant, and that he has offered to continue aiding until the whole shall be accomplished; it being agreed upon at the same time, by virtue of said deed, that the said Don Ricardo S. Hackley and company should manage and direct the affairs of said lands in consideration of the great confidence they repose in him, and of which management and direction he would at a proper time render proper accounts; and that, moreover, the said Azaola, in the name of said Hackley and his representative, renounced and divested himself of, and relinquished all the rights and actions which he had acquired to said lands, by virtue of said deed of the 29th May, 1819, by which he had acquired the same, accepting, acquiring, and reserving to himself only the fourth part of the land which had been previously designated, in consequence of which, the said deed of the 29th of May became null

and void and of no effect, and the deed of the 30th June, 1820, to be considered in full force and virtue, which they accepted in the name of their respective principals, as well Don Gregorio Gonzaly Azaola, as the appearer, Don Vicente Murillo y Monte, as also Don Antonio Noviega who appeared for the respective part or portion which had been designated and appropriated, with all their right of ingress and egress, services then appertaining to said lands up to that time, and which in fact or by law had belonged to his excellency, that each one might dispose of his or their respective parts, as their own property, acquired by a just and legitimate title, as is the case by the aforesaid conveyance; the said Don Vicente Murillo y Monte, the appearer, assuring and guaranteeing at the same time, in the name of the Duke, his principal, that he had made no other cession or grant of said land than that which in part had been annulled by said deed of 30th June; that in virtue of the power and other rights granted by this deed, the said Don Antonio Morego, for himself and in the name of his children, heirs, and successors, by his own free and spontaneous will, ceded, renounced, and transferred forever, for the cause and reasons set forth in the deed of 30th of June, in favor of the appearer, Don Vicente Murillo y Monte and Don Ramon Lorenzo Calvo, and their legal representatives, by another deed executed by him, (Moriga) dated at this most heroic city on the 7th of January, 1821, before Don Miguel Calvo, gracio escribano of his Majesty and of his illustrious college, under the condition and obligation on the part of the said Don Vicente Murillo y Monte and Don Ramon Lorenzo Calvo, and their legal representatives, to hold themselves responsible to reimburse and pay unto the said Morgana, in hard money, the amount which according to accounts adjusted and settled up to that date remained due to him by the said Duke of Alagon, and acknowledged and accepted by the appearer who, being informed that the said most excellent Duke of Alagon had revoked the power which he had granted to Don Nicolas Garrido in relation to the direction and management of the affairs of said land, and that he has for the same purpose granted with full, ample, and unlimited power on his excellency, the Marquis de Casa Ramon, of the faithful city of Havana, residing in said city, the appearer did the same, that he might take charge, direct, and manage that portion or part of the lands which, for the reasons and causes before mentioned, appertain to them; and although his excellency the marquis accepted the trust cheerfully, it so happened that he effected nothing before his death; in consequence of which, his excellency the Duke of Alagon, granted full, unlimited, and general power on Don Roman Pinto y Lopez, a resident of the Havanas, and at present residing at this court, that in his name and behalf to take and have the direction and management respecting the uncultivated lands situated in East Florida, and belonging to him by virtue of a grant and gift of land made to him by his Majesty; and the grantor being informed of this fact, and entertaining a high opinion of the estimable qualities which adorn the person of said Pinto, they did, after general conference and discussion

held with him on the subject, determine to confer their power; and in virtue thereof do by these presents, and in the form of law, knowing the power they each have in the premises respectively, grant, give, and confer complete, ample, general, and special powers, sufficient in law, without the least restriction or limitation, that in the name of the grantees, and representing their proper persons, rights, and actions to have, direct, and manage, in the same manner that they might or could do were they personally present; that part or portion of the uncultivated land situate in East Florida, granted by his Majesty to his excellency the Duke of Alagon, by the royal order of 17th December, 1817, and royal patent issued thereupon, dated at this court on the 6th of February, 1818, signed by his royal hand, and countersigned by Don Estaban Varra, his secretary, which *which* legitimately appertains to himself, his children, heirs, and successors, in consequence of the reason and causes before mentioned, and appear more fully, as well by the deed of declaration of 30th June, 1820, as by the grant and donation made and executed by Don Antonio Norigea, dated 7th January, 1821, in favor of the grantor, to which reference being had it will appear, to receive accounts from the person or persons, companies or corporations, who ought to render them in part or the whole, or what they may have received from others, and to admit in off set all legal and just items or charges, and to approve of the same if found to be correct, and if not found to be correct to reject them, and continue to do so until they are removed; and to appoint in such case an accountant or accountants, and causing the other unlimited parties to do the same, and in default thereof also to name arbitrator or arbitrators, and friendly adjusters, to settle such matters and things in case of disagreement, holding himself responsible for their acts and amends, judgments and sentences. They also give and confer upon the said Don Ramon Pinto y Lopez full and ample power to superintend the disbursement of indispensable expenses which may occur, until the object is accomplished respecting that part or portion of the land belonging to them, and to sell and dispose of any part or portion which he may think proper to any person or persons, companies or corporations, for such a price, and upon such terms, as he may stipulate; and to execute for the same the requisite deed or deeds of conveyance, with such claims, bargains, and conditions and comport, which might be agreed upon, approving and ratifying all things when so executed, in the same manner as if it were done by themselves, and to grant receipts and sufficient discharges for what he may receive, collect, or recover; also, final letters of discharge or any other guarantee which may be required of him, and which ought to be given in good faith, being present at the renunciation of the land, and to restrict himself particularly which are given to him, and which may hereafter be communicated to him by their missive letters, according to the circumstances and occurrences which may take place in relation to the subject, of which they shall expect to be occasionally apprised by him, and to leave nothing undone for the want of any power herein expressed, since by that paper they

grant the same as of herein contained. And finally, they give and confer to him power and authority, in case it should be required in and about the premises, to appear at law in the proper court and tribunal, superior and inferior, making and presenting petitions, memorials, remonstrances, requisitions, citations, opposition, witnesses, instruments, objections, contradictions, demands, answers to the same, protests, oaths, challenges in or out of proof, to do and present whatever he may deem requisite; also, to present oral as well as instrumental proof, to ask a hearing of the case, or renounce the privilege of hearing the same; to demand executions, arrests, discharges, seizures, and releases of property, sales thereof, or otherwise, and to be protected in its possession; to hear decrees and sentences, interlocutory and definite, consent to what may be favorable, and appeal from what may be before the proper tribunal; to obtain decrees, letters patent, sentences, and all manner of proceedings, which he will cause to be carried into due execution; and finally, to do and perform all other acts, matters, and things which may be required in or out of court, as they give the aforesaid Don Ramon Pinto y Lopez such power, with all incidents, dependencies, and appurtenances, with free, full, and general administration, exonerating him from all liabilities, and binding themselves to ratify and confirm these presents in due form of law; giving likewise to him (their attorney) authority to substitute, in part or in the whole, such person or persons as he may think proper; to revoke such substitute and appoint other; submitting to the jurisdiction of all competent justices and authorities, renouncing in due form the privilege in his favor, and the general law relating to this matter.

It was thus declared, executed, and signed by them, whom I certify are know to me, the escribano, the witness being Don Diejo Mangisain, Don José Maria del Rio, and Don Fernando Diez Monetem, inhabitants and residents of this court.

VICENTE MURILLO Y MONTE,
RAMON LORENZO CALVO.

Before me,

MANUAL MATERAS.

I, the undersigned, escribano of H. M., and notary of the kingdom and of the illustrious college of this court, do certify, that the foregoing was executed before me, and in testimony of which I make and sign the same, upon two sheets of the seal number two, and four of the fourth, which in all makes twelve pages, and which was placed in mem. on the following day after its execution.

[Flourish.]
MANUEL MATEON.

Attestation.

We, the escribanos of his Majesty, and notaries of the kingdom and of the illustrious college of this most heroic city of Madrid, who make

and sign these presents, do certify, that Don Manuel Matteos, by whom the foregoing copy of the same is given is, as he styles himself, member of said illustrious college, and that the mark and signet placed at the foot of said copy are the same as are used by him in all instruments, to which full faith and credit, judicially and extra judicially, have always been given, and in testimony of which require these presents.

Sealed with the seal of our said college at Madrid, with the date of issue.

[Flourish.]

VALENTINE SANTOS DEAZE,

[Flourish.]

GAUMIES DELGADO,

[Plourish.]

JOSE CARRILLO ALBONY.

[SEAL OF COLLEGE.]

Don Mateo de Norgazaray, knight of the royal order of Charles the III, and of the council of his Majesty, deputy magistrate, corregidore of this most heroic villa and court of Madrid, and its jurisdiction, &c., &c., do certify, that Don José Carrillo y Albony, Gaumies Delgado, and Don Valentine Santos Deaz, by whom the foregoing is certified and attested, and escribano of the Queen, our lady, and notaries of the kingdoms, residents and members of the college of this city, are such as they style themselves, whose marks and signets are those which are used by them in the performance of duties of their office, which they discharge faithfully and to my satisfaction, and to that of other tribunals, for which reason full faith and credit have always been given to all their acts in jurisdiction and thereout.

For testimony whereof I sign these presents at Madrid, on the twenty-fifth of August, one thousand eight hundred and thirty-five.

MATEO DE NORGAZUARAY.

[Flourish.]

I, Don Manuel Garcia Herreros, high dignatary of the kingdom, member of the council of state, principal notary of the kingdom, and secretary of state, and secretary of the universal despatch of grace, justice, of Spain and the Indies, &c., &c., do certify, that Don Mateo de Norgazaray, by whom the following document is authenticated is, as he styles himself, sub-regent of the burrough and court of Madrid, and that the signature to the end thereof is in his own handwriting.

And in testimony whereof I sign these presents at Madrid, on the twenty-sixth of August, one thousand eight hundred and thirty-five.

M. E. GRACIA HERREROS.

[Flourish.]

Don Jose Maria Graneo d'Haver, Count of Toreno, president of the council of ministers, chief secretary of state, and minister of foreign

affairs, do certify, that the foregoing signature is that of Don Manuel Gracio Herrero, secretary of grace and justice.

And in testimony whereof I sign these presents at San Ildefonso, on the thirty-first of August, one thousand eight hundred and thirty-five.

[SEAL.] EL CONDE DA TORRENO.

[Flourish.]

Legation of the United States of America,

MADRID, 1*st September*, 1835.

I, the undersigned, Cornelius P. Van Ness, minister plenipotentiary of the United States of America, near his catholic Majesty, do hereby certify, that his excellency the Count of Terreno is his catholic Majesty's secretary of state and despatch, and as such, minister of foreign affairs; and that the signature and name which is affixed to the foregoing certificate is in his own handwriting.

In testimony whereof I sign these presents, and affix the seal of my legation hereto.

[SEAL.] C. P. VAN NESS.

In the ever faithful city of Havana, on the twenty-sixth of April, one thousand eight hundred and thirty-six, before me, the public notary and the witnesses, appeared Don Ramon Pinto y Lopez of the said city, whom I know, and said: That Messrs. Don Vincente Murillo, his Majesty's secretary of state, a pensioner of the secretary's affairs of state, and minister of despatch of the exchequer; and Don Ramon Lorenzo Calvo, also H. M. secretary and escribano of chambers in the supreme tribunal of war and marine, have conferred on him their power of attorney, executed at the royal borough and court of Madrid on the twenty-ninth of July, one thousand eight hundred and thirty-five, before the escribano Don Manuel Mateos, as appears by the foregoing certified copy thereof; thereupon, exercising the authority vested in him by virtue of said power, he substitutes the same to the fullest extent on the honorable Joseph M. White, a citizen of the United States, that he may act under it in the same manner that the grantor might or could do, binding the property mentioned in said power for the performance of every thing touching the premises. It was thus executed and signed. Don Juan Rodigner, Don Francisco Montesa, and Don Manuel Bello, being witnesses present.

RAMON PINTO Y LOPEZ.

Before me, JUAN DE ESTRALGO.

[Flourish.]

We, the undersigned, escribano of the Queen, our lady, (whom God preserve,) do certify, that Don Juan de Estralgo, by whom is authorized the substitution, which Don Ramon Pinto y Lopez of this city confers, of the power as appears by the foregoing certified copy, is, as

he styles himself, notary public of the number of this city; that he is lawful, faithful, and entitled to confidence, and as such to all his acts full faith and credit are due in and out of court.

And in testimony thereof we give these presents, sealed with the seal of our royal college of this ever faithful city of Havana, this twenty-sixth of April, one thousand eight hundred and thirty-six.

(Signet.) (Signet.) (Signet.)

JUAN DE PUENTE,
ANTONIO REYNEGRA,
FRANCISCO VALENIO.

Seen for the legalization of the signatures of Messrs. Juan Puento, Antonio Reynegra, and Francisco Valenio, notary public of the city.
Havana, 9th July, 1836.

MOLIERE,
The consul general of France.

No. 208—Fee $2.
Art. 35 of the tariff. [SEAL.]

[SEAL.]
(Then follows the certificate of N. P. Trist, United States consul at Havana.)

I do hereby certify, that the foregoing is a true and correct translation of the document hereunto annexed.

JOHN M. FONTANE,
Translator.

And the said plaintiffs also offered and read in evidence the following document, marked O, being a confirmation by Pinto y Lopez of all sales made by Joseph M. White, and dated 11th August, 1836.

Plaintiff's document marked O.

Be it known by these presents, that in virtue of the cession, (grant) any gift made by his Majesty, Don Fernando VII, under date of the 17th December, 1817, to the most excellent Señor Don Francisco Ramon de Espes, Baron de Espes, and Duke of Alagon, he possesses certain lands situated in the peninsular of East Florida, and being desirous to alienate said lands in due form, he appoints the undersigned, Don Ramon Pinto y Lopez, as his general attorney, according to an instrument executed in the villa and court of Madrid, on the 31st day of May of the year last past of 1835, before his Majesty's secretary, Don Ramon Lorenzo Calvo, authorizing and empowering me, the said Don Ramon Pinto y Lopez, in the most ample form, to sell [and] alienate the land aforesaid, with authority to appoint a substitute; in virtue of which, and conformably to an instrument executed at San Yldefonso on the 21st of August, 1835, he substituted said power upon Sr

Don José M. White, a member of the Congress of the United States, constituting him in my name, and in the name of the most excellent Duke of Alagon, general attorney for the object above referred to; and the said Sr. Don José M. White having sold and alienated under or by virtue of said power all the right and title which the most excellent Duke of Alagon had to said lands, situated between the river St. John's and St. Lucie, (reserving 15,000 acres,) I do, by these presents, confirm and ratify all the sales and instruments executed by him touching the premises. I likewise approve and ratify, in the same manner, the sale and transfer made by the said Señor Don José M. White, of the lands situated on the west side or on the Gulf of Mexico, (reserving therefrom 40,000 acres,) to the persons named in said instruments of conveyance, as also of the sums received in the name and on the part of the most excellent Duke under the document aforesaid, which sums I acknowledge to have received and have in my possession; also in virtue of said instrument and agreement of San Yldefonso, and being at present, to wit, on the 10th of August, 1836, in the city of New York, in the United States, I do hereby ratify, approve, and confirm all and every act done by my said substitute in the premises, in the same way and manner I would have done myself, thereby declaring said act as valid as if my principal had done it himself.

In testimony whereof I sign these presents, at New York, on the 10th of August, 1836.

[SEAL.] RAMON PINTO Y LOPEZ.

In English signed, sealed, and delivered in presence of—

COLIN MITCHELL,
WM. H. MAXWELL.

Here follows the certificate of Wm. H. Maxwell, commissioner, dated at New York, 11th August, 1836, and the certificate of record of Monroe county.

I do hereby certify that the foregoing is a correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

Sepase por el presente documento, que en virtud de la cesion y gracia hecha por S. M. Dn. Fernando 7o, con fecha á 17 Diciembre, 1817, á favor del ex'mo Sr. Don Francisco Ramon de Espes, Baron de Espes, y Duque de Alagon, posee otro Señor ciertos terrenos, situados en la peninsula de la Florida oriental, y deseand enagenar dichos terrenos en la mejor forma, nombre por su apoderado goce se infrascrito Don Ramon Pinto y Lopez, segun instrumento hecho en la villa y corte de Madrid, en 31o Mayo, del año 1835, ante el secretario de S. M., Don Ramon Lorenzo Calvo, autoriando y favesando á Sr. Don Ramon Pinto y Lopez, en la manera mas amplio para vender y enagenar los ante dichos terrenos con la facultad á substituirlo. En

cuya virtud y por escritura otorgada en S. M. Yldefonso, el dia 21 de Agosto de 1835, sustituyo dicho poder en el S. D. José M. White, incumbro del Congreso de los E. U., constituyendo por mi y á nombre del ex'mo Sr. Duque de Alagon, en apoderado gral. para el objeto antes indicado; y habiendo el nominado S. D. José M. White, vendido y enagenado á consecuencia de otro poder todos los titulos que posesia, el ex'mo Sr. Duque de Alagon en dichos terrenos, sitos entre los rios Sn. Juan y Santa Lucia (con reserva de 15 mil acres) por el presente ratifico y confirmo todas las ventas y escrituras otorgadas en el particular. Del mismo modo, ajaebo y ratifico la venta y enagenacion hecha por el propio Sr. D. José M. White de los terrenos situado al lado del oeste, ó sobre el golfo de Mejicio (reservando de ellos cuarento mil acres) á los persona que en otras escrituras se hallan nombrado, á como las cantidades en nombre y parte del ex'mo Sr. Duque, bayo el documento ante dicho, cuyas cantidades *en nombre y de puerte del ex'mo Sr. Duque Sr. Duque, bayo el documento ante dicho, cuyas cantidades* reconosco haber ventido y tener en mi poder; tambien en virtud de otro instrumento y convenio á Sr. Yldefonso, y hallandome ahora á saber el 10 de Agosto, de 1836, en esta ciudad de New York, en los Estados Unidos, ratifico, ajucito, y confirmo, todo lo actuado por mi citado apoderado, sustitulo en esta particular, del mismo modo y manera que por yo lo tambien hecho, declarando otro tan eficas, como si poder ante el ex'mo Sr. Duque de Alagon lo hubiera concluido.

Y para que conste firmo el presente en New York, á 1o de Agosto, de 1836.

[SEAL.] RAMON PINTO Y LOPEZ.

Signed, sealed, and delivered in presence of—
COLIN MITCHELL,
WM. H. MAXWELL.

[L. S.] STATE OF NEW YORK,
City and county of New York, ss:

By this public instrument, be it known to all whom it may concern, that I, William H. Maxwell, commissioner in and for the State of New York, duly commissioned by the Governor of the Territory of Florida, (by virtue of an act of the legislature of the said Territory, entitled "An act to authorize the appointment of commissioners," &c., passed January 24, 1831,) and therein and thereby authorized and empowered to take the acknowledgment of any deed, contract, letter of attorney, mortgage, or conveyance of any lands, tenements, or hereditaments lying or being in Territory of Florida, or any other writing under seal to be used in said Territory, with full power and authority to administer oaths and affirmations, take depositions, &c., do hereby certify, that on the eleventh day of August, one thousand eight hundred and thirty-six, before me, said commissioner, personally came Ramon Pinto y Lopez, proven to my satisfaction to be the grantor named and described

in the annexed instrument under seal, and having made known to him the contents thereof, he acknowledged he had truly signed, sealed, delivered, and executed the same for the uses and purposes therein mentioned.

In testimony whereof I have hereunto set my hand and seal the day and year above written.

WM. H. MAXWELL,
Florida Commissioner.

[L. S.] Recorded this the 20th day of June, A. D. 1839.
JOSEPH A. MINON,
By JOSEPH ETRAVENDI, *Deputy.*

Plaintiff's document P.

Being power of attorney from Pinto y Lopez to Joseph M. White.

Poder.

En el real sitio de S. Yldefonso, á veinte y uno de Agosto de mil ochocientos treinta y cinco, ante mi, el escribano publico, y testigos que se nominacion Don Ramon Pinto y Lopez, vecino y del comercio de la Abana, y residente al presente en este real sitio, á quien doy fé conosco, y deja, que en virtud del poder generalisimo que le tan otorgado el ex'mo Señor Duque de Alagon, en fecha veinte y nueve de Mayo de corriente año, en la M. H. villa y corte de Madrid, ante el secretario de S. M., Don Ramon Lorenzo Calvo, ha determinado, usando de las facultades que en dicho poder se le confierer, sostituirle y otorgarle en forma en la parte que se expresaria, y no en may en el Señor Don José M. White, coronel de la Republica de los Etados Unidos de America, y proprietario en las Floridas, para que á su nombre y representacion companezca en los tribunales de dicha Republica, y reclame en ellos los derechos que tanto del ex'mo Señor Duque de Alagon, como del presente otorgante, habiesen sido; desatendidos ó en cualquiera manera cuestiona doy en la misma forma faculta, y da poder complido, y el que de derecho se requira al referido Don José M. White, para que junta ó separadam'te pueda vender y vende los terrenos comprehendidos en la cesion hecha por S. M. D. Fernando septimo, á ocho ex'mo Señor Duque de Alagon, en su real orden de diez y siete de Diciembre de mil ochocientos diez y siete, dando y otorgando las escrituras y documentos correspondientes, al efecto remitiendo y librando su importedor de el señor otorgante se halle en la inteligencia que han de ser incluidos en dichos terrenos los que malamente mantienes en su podera Mr. Richard S. Hackley segun lo manifesta sa escritura de treinta de Junio de mil ochocientos veinte, haciendo *cuartez gutiones* sean necesarias, tanto judiciales como extrajudiciales; para cuyo fin presente toda clase de demandas, escritos en otros documentos de justificacion, orga autos y sentencias interlocutorios y defini-

tivas, consiente lo favorable, y de lo adversio, apele y su peigne siga uno y otros, hasta su total fenecimiento y favorable exito, sin que por falta de poder, circunstancia, ó requisito, que aqui no fuere expresendo, deja de tener cumplido efecto, el fin é intenciones á que este el dirigo, pues para todo ello se le da y otorga al relacionado Don José M. White con toda amplitud, y sus ninguna limitacion, libre, franca, y general administracion, relebacion en forma, y obligacion de haber por firme cuanto en su virtud hiciere, actuare, y otorgare, dando poder á las justicias de S. M. de su favero y jurisdiccion competentes, renuncia todas las leyes y fueros de su favor, con la general en forma. En cuyo testimonio á lo digo, otorgo, y firmo, siendo testigos, Don Manuel Picatorte, Don Juan José Vel, y Don Justo Garcia, vecinos de este real sitio.

RAMON PINTOS Y LOPEZ.

Ante mi,

EUSEBIO FERNANDEZ CUESTA.

Y el dicho, Eusebio Fernandez Cuesta, escribano por S. M., publico y de gobierno, de este real sitio, presente fuy con los testigos á cuanto dicho és, y en fé de quo, y de que su original con el que concuerda queda en sus oficio y podera, en papel del sello cuarto, á que menerito y para que *eni* conte doy la presente copia original, que signa firme dia dem otorgamiento en este pliejo decido segundo.

† EUSEBIO FERNAN. CUESTA.

Legalizacion.

Los escribanos por S. M., que afin signamos y firmamos, damos fé, que Eusebio Fernandez Cuesta, por quien és dado signado y firmado el anterior poder és tal ex'mo de gobierno como se titula, fiel, legal, y de toda confianza á el que se *lea*doda y á el debar entera fé y credito; y para que conste, ponemos á presente y signamos en Segovia á veinte y dos de Agosto de mil ochocientos treinta y cinco.

PABLO HUERTAS GARAY Y OBREON.
ANTONIO LEONORA BALLESTERO.
NICOLAS LEONOR BALLESTERO.

Don Antonio Carasca, gov'r civil sub-delegado pra'l de publica de esta ciudad de Segovia y del provincia, etc., etc., certifico, que Pablo Huertas Garay y Obregon, Antonio y Nicolas Leonor Vallestero, por quien va dada la certifica por anterior ser escribano del ministerio de esta ciudad, y se hallan actualmente en el vio y ejercicio de nos oficio, y para que conste doy la presente en Segovia, á veinte y dos de Agosto de mil ochocientos y cinco.

ANTONIO CARASCA.

Certifico qe. Dn. Antonio Carrasca, é gobiernador civil y sublegar á politia de la ciudad y provincia á Segobia, Madrid, 27 de Agosto de 1835. JUAN ALVAREZ GUERRA.

Dn. José Maria Gercipo de Llano, conde de Toreno, presidente del consego de ministerio, primer secretario del despacho de estado, &c., &c., &c., certifico, que la firma que antecede és de Dn. Juan Alvarez Guerra secretario del despacho de lo interior; y para que conste firmo el presente en Sn. Yldefonso, á veinte y ocho de Agosto de mil ocho cientos treinte y cinco.

[L. S.] EL CONDE DE TORENO.

[L. S.] Legacion de los Estados Unidos de America.

MADRID, *8th de Setiember de* 1835.

Yo, el infrascripto, Cornelio P. Van Ness, ministro plenipotenciaria de los Estados Unidos de America, cerca de S. M. C., certifico por la presente, que el ex'mo Señor Conde de Toreno és el secretario del despacho de estado de S. M. C., y por la mismo ministro de relaciones etrangeras, y que la firma y nombre que aparece en el precedente certificado, és de su propio puño y letra: En testimonio de lo cual firmo el presente, estampando el sello de la legacion de mi cargo

C. P. VAN NESS. [L. S.]

Recorded this the 20th day of June, A. D. 1839.

JOSEPH A. MASON,
By JOSEPH ELVARDE, *Deputy.*

Translation.

Power.—At the royal palace of San Yldefonso on the twenty-first of August, one thousand eight hundred and thirty-five.

Before me, the notary public and the witnesses hereinafter named, appeared Don Roman Pinto y Lopez, a resident and merchant of the city of Havana, and at present at this royal place, whom I attest I know, and said: That in virtue of the general power conferred upon him by the most excellent Duke of Alagon, dated 29th of May, of the present year, at the most heroic city and court of Madrid, before the secretary of his Majesty, Don Ramon Lorenzo Calvo, was determined in accordance with the power conferred upon him by said power, to substitute and execute in due form such power as shall be hereafter expressed, and not more upon Snr. Don José M. White, colonel of the Republic of the United States of America, and property holder in the Floridas, that in his name and representing him, may appear before the tribunal of said Republic and claim the right, appertaining to the most excellent Duke of Alagon, as well of the present grantor, which may not have been attended to or in any manner questioned. In the same manner he authorized, and give sufficient power which by law it may be required unto the said Don José M. White, that he may jointly or separately sell the lands comprehended in the grant made by his Majesty Don Fernando septimo, to the said most excellent Duke de Alagon by his royal order of the seventeenth of December,

one thousand eight hundred and seventeen, giving and granting the required conveyances and documents to that effect, and remit the amount of the proceeds thereof to the grantor wherever he may be. It being understood that, in the lands referred to and embraced, those which are wrongfully held by Mr. Richard S. Hackley, as appeared by his conveyance of the 30th June, 1820, and to take such steps as may be necessary, as well judicially as extra judicially, making and presenting all manner of demands, petitions, or any other documents to establish or support the same, to hear decrees and sentences, interlocutory and final, to assent to each as are favorable, and to appeal and petition as the case may require until its final and favorable termination; so that for the want of authority, circumstance, or requisite, which may not be expressed herein, nothing shall be left undone which is necessary to the object and intentions for which these presents are granted; since, for all things touching the premises, ample power without any limitation is granted to the aforesaid Don José M. White, with free, full, and general administration, exonerating him from all liability, and binding himself to confirm whatever he may do by virtue of these presents, submitting to the jurisdiction of the competent justice and authority of his Majesty who may have cognizance of the premises, renouncing in due form all the laws and privileges in his favor and the general laws relating to this matter.

In testimony whereof he thus said granted and signed these presents Don Manuel Picatorte, Don Juan José Fee, and Don Justo Garcia, residents of this royal borough, being witnesses.

RAMON PINTO Y LOPEZ,

Before me, EUSEBIO FERNANDEZ CUESTA.

I, the said Eusebio Fernandez Cuesta, notary public of [the] government and of this royal borough, by his Majesty, certify, that I was present with the witnesses (at the granting of the above) and in proof of which, and its original (of which this is a copy) remains in my office and custody, recorded on stamp paper of seal No. 4, to which I refer, and in testimony whereof I give these presents; original copy to which I affix my hand and signet on the day of its execution, upon this sheet of the seal No. 2.

EUSEBIO FERNANDEZ CUESTA,

(Flourish.)

Legalization.

The escribanos of his Majesty, who affix their signet and sign these presents, attest, that Eusebio Fernandez Cuesta, by whom the foregoing power is signed, is, as he styles himself, escribano of government; that he is faithful, legal, and of entire confidence, to whose acts full faith and credit is and has always been given.

In testimony whereof we give these presents, which we sign at Segovia on the 22d of August, one thousand eight hundred and thirty-five.

(Flourish) PABLO HUERTAS GARABRA Y OBREGON,
(Flourish) ANTONIO LEONOR BALLESTERO,
(Flourish) NICOLAS LEONOR BALLESTERO.

Don Antonio Casaseca, civil and military governor, and principal sub-delegate of the police of this city of Segovia and its province, &c., &c., do certify, that Pablo Huertas Garay y Obregon, Antonio and Nicolas Leonor Ballestero, by whom the foregoing certificate has been given, are escribanos of the corps of this city, who are at present acting and performing the duties of their offices.

In testimony whereof I grant these presents, at Segovia, on the twenty-second of August, one thousand eight hundred and thirty-five.

ANTONIO CASASECA.

I certify, that Don Antonio Casaseca is civil governor and sub-delegate of police of the city and province of Segovia.

Madrid, 27th of August, 1835.

JUAN ALVAREZ GUERRA.

Don José Maria Guerpo de Llano, count of Toreno, president of the council of ministero, principal secretary of state, &c., &c.

I certify, that the foregoing signature is that of Don Juan Alvarez Guerra, secretary of the interior.

In testimony whereof I sign these presents, at San Yldefonso, on the twenty-eighth of August, one thousand eight hundred and thirty-five.

[SEAL.] EL CONDE DE TORRENO.

Legation of the United States of America,

MADRID, 1*st Sept.*, 1835.

I, the undersigned, Cornelius P. Van Ness, minister plenipotentiary of the U. S. of America, near her H. C. M., do certify by these presents, that his excellency Count de Torreno is H. M's secretary of state, and in consequence thereof minister of foreign relations; and that the signature and name which appears on the foregoing certificate is in his own handwriting.

In testimony of which I sign these presents, affixing thereto the seal of the legation.

[SEAL.] C. P. VAN NESS.

I do hereby certify, that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

And the plaintiff then read in evidence extracts, at pages 177, 178, and 182, from the 3d vol. of the Executive Journal of the United States Senate, in relation to the treaty of February, 1819, between Spain and the United States; and also the constitution of the Spanish monarchy as promulgated in March, 1812, and the decree or order of the King of Spain of 1814, purporting to abrogate or repudiate the said constitution; which testimony, in the last instance given, is embraced in the agreement aforesaid between the parties, and is therefore not here transcribed.

And the plaintiff further gave evidence from the said State papers, and otherwise, that the said constitution of the Spanish monarchy was restored, and proclaimed and sworn to by the King of Spain, in May, of the year 1820; the plaintiff reading in evidence on this subject from the United States archives, the papers following, to wit:

A letter from the captain general of Cuba to the governor of Florida, dated 20th July, 1814, and marked Plaintiff's document W.

Plaintiff's document W.

Despatch from Captain General of Cuba to the Governor of Florida.

Acompaño á V. S. un exemplar empreso del diario de este gobierno que comprehende el decreto expedido en 4 de Mayo ultimo por el Rey, nuestro señor, Don Fernando 7o, contrahido á lo dispuesto por S. M., al ocupar el trono de ses augusto predecesores con lo plenitud de su poder soberano, y demas que se insertan á pié de que lo comunique V. S., á quien corresponde en su gobierno de su cargo para su obedecimiento y mas exacto cumplimiento.

Dios guarde á V. S. muchos años. Habano, 20 de Julio de 1814.

Signed, APODACA.

Señor Gobernador de la Florida oriental.

I certify the foregoing to be a true copy of the original on file in the office of the surveyor general of Florida. St. Augustine, 17 May, 1852.

ANTONIO ALVAREZ.

Translation, document W:

I herewith transmit a copy of the official government newspaper, which contains the decree of the King, our lord, señor Don Fernando 7th, issued by his Majesty upon occupying the throne of his august predecessors, in the plenitude of his sovereign power, and other matters relating thereto, in order that your lordship may make the same known to all concerned within your jurisdiction, that the same may be fully obeyed and complied with.

God preserve your lordship many years. Havana, 20th July, 1814.

(Signed) APODACA.

To the Governor of East Florida.

Here follows the certificate of the keeper of the public archives at St. Augustine.

I certify, that the foregoing is a correct translation of the Spanish document hereto annexed.

JOHN M. FONTANE,
Translator.

And the Plaintiff also offered in evidence the following document, marked as Plaintiff's document X:

Plaintiff's document X.

Despatch from Captain General to Governor of East Florida.

Acompaño á V. S. un exemplar del alcanco al diario de este gobierno del Sabado, 15 del actual, que inserta decreto de la corte con referencia al juramento de la constitucion, otro del diario extraordinario constitucional del dia 17, sobre haberse jurado la constitucion el 16 en esta capital; otro del diario constitucional del Martes 18, que comprehende un decreto mio del estado, dia 17, sobre haberse restituido el ex'mo ayuntamiento constitucional de esta ciudad, al ser y estado que tenia el año de 1814; otro de una proclama del Sr. Don Tomas Gutierrez de Pineves; y otro de una exposicion por Don José Antonio Mizalla: á fin de que en vista de todo y de mi exemplar de constitucion que tambien acompaño por si no hubiere quedado ahi alguno pueda V. S. disponer todo lo que sea correspondiente por su parte en esa provincia quedando yo muy persuadido de las pendentes disposiciones de V. S. para que no resulte turbulencia ni desorden, y esperando me instruya de su execucion oportunamente. Dios guarde á V. S. muchos años. Habana, 18 de Abril de 1820.

JUAN MANL. DE CAGIGAL.

Señor Gobernador de la Florida oriental.

I certify the foregoing to be a true copy of the original on file in the office of the surveyor general of Florida.
St. Augustin, 17th May, 1852.

ANTONIO ALVAREZ.

Translation of plaintiff's document X.

I herewith transmit an extra of the official newspaper of this Government of Saturday the 15th instant, which contains a decree of the corte in reference to the oath relating to the constitution; another extra number of the constitutional paper of the 17th, respecting the swearing of the new constitution on the 16th at this capital; another number of the constitutional paper aforesaid, of Tuesday, the 18th instant, which publishes my decree of the 17th, in relation to the establishment of the most excellent constitutional council, ayuntamiento of this city, in the

2805.

same manner it existed in the year 1814; another containing a proclamation of Don Tomas Gutieres de Peñalver; another containing an exposition by Don José Antonio Mizalla, in order that, in view of all of which, and a copy of the constitution which I also transmit in case one of the latter may not have been kept in that office, you may cause to be done in that province any thing required, being persuaded that your lordship's prudent management will have a tendency to prevent turbulence or disorder. And of the fulfilment of all your acts in the matter you will report to me in due time. God preserve your lordship many years. Havana, 18th April, 1820.

JUAN MANUAL DE CAZIGAL.

To the Governor of East Florida.

Here follows certificate of keeper of public archives, St. Augustin, Florida.

I certify that the foregoing is a correct translation of the Spanish document hereto annexed.

JOHN M. FONTANE,
Translator.

Document Y.—Plaintiff's document Y.

Despatch [from] Captain General of Cuba to Governor of Florida, May 2d, 1820.

A consecuencia de lo que manifeste á V. S. en oficio circular de 18 de Abril proximo, incluyendo varias exemplares y uno de la constitucion politica de la monarquia Española para que en esa provincia se procediese á *jurarla*, y á todo lo demos correspondiente en el asunto acompaño á V. S. el diario de esta capital, que comprehende el decreto de 9 de Mayo ultimo, por el qual ha venido S. M. en hacer el juramento interino de la misma constitucion en una junta provisional; otro de igual fecha sobre ponerse en libertad á las que se hallen *puesos* por opiniones politicas; y otro de 10 del proprio mes, relativo á suprimierse el tribunal de la inquihicion, y acompaño tambien á V. S. son impreso del diario extraord'o de oyer que incerta el manifiesto del Rey á la nacion contrahido al mencionado juramento de la constitucion, á fin de que haga V. S. publicas en la jurisdiccion de su cargo estas determinaciones de S. M.

Dios guarde á V. S. muchos años. Habana, 2 de Mayo de 1820.

JUAN MANL. DE CAGIGAL.

Señor Gobernador de la Florida oriental.

I certify the foregoing to be a true copy of the original on file in the office of the surveyor general of Florida. St. Augustine, 17th May, 1852.

ANTONIO ALVAREZ.

Translation, document Y.

In consequence of what I informed your lordship in an official circular of the 18th of April last, enclosing several copies, and among them one of the civil constitution of the Spanish monarchy, in order that you might proceed to cause the same to be sworn to, and perform every other acts relating to the matter, I transmit to your lordship the newspaper of this capital, which contains the decree of the 9th of March last, whereby his Majesty has taken provisionally the oath of the constitution before a provisional council; another of the same date relating to the setting at liberty all persons confined for political opinions; and another of the 10th of the same month relating to the abolishment of the tribunal of the inquisition; and I transmit, also, to your lordship extra of an yesterday's paper, inserting the King's manifest to the nation, relating to his having taken the oath of the constitution, in order that your lordship may publish these resolutions of H. M. within your jurisdiction. God preserve your lordship many years. Havana, 2d May, 1820.

JUAN MANL. DE CAZIGAL.

To the Governor of East Florida.

Here follows the certificate of the keeper of the public archives, St. Augustine.

I certify that the foregoing is a correct translation of the Spanish document hereto annexed.

JOHN M. FONTANE,
Translator.

And the plaintiff then offered evidence, by E. B. Gould, that witness had resided in Florida about thirty years, coming there in July, 1822; that from the time he first came there he was familiar with the name Amasura, as the name of a river in East Florida, and understood it to be a river emptying at the gulf; that if there was another name attached to it, it was connected with the Withlacooche; and that the river he speaks of is, as he supposes, the same that is now called the Withlacooche, and that he knows of no other name of any such river except Amazura and Withlacooche; that the river now called Withlacooche is, as he understands, the same formerly known or called Anaxura. Witness being shown a map of Florida, says that that map is one published by Vignolles; that Vignolles sent one of these maps to witness in 1823, from Brooklyn; that the map shown to him is that usually known as Vignolles's map of Florida. And cross examined, witness says, that he was never on the gulf side of the Florida peninsula; that he does not know of any river now called the Anaxura; that he became familiar, when he first came here, (to St. Augustine,) that there was such a river as the Anaxura from the general reputation of the country and from maps [of] Vignolles and Williams; that he has

heard Horatio Dayton and Peter Mitchell speak of that river, who were both in Florida before witness came thither; that witness cannot say how he and they came to talk about it; that he had seen some Spanish maps, but that with all his other papers they were destroyed by fire; that witness has confidence in his memory, but that there are some things which he has forgotten; that he does not remember that he ever saw this river, marked Anaxura, on any map older than Vignolles's or Williams's; that he has no personal knowledge of any other river entering the gulf on that side; that he has no personal knowledge about it; that he cannot say that he heard the river called Anaxura before he got the map of Vignolles; does not remember (and witness, Gould, on the day succeeding his above examination, explained, on his request to do so,) that the map *that the map* he marked as having been sent to him by Vignolles he finds he did not [receive it] from Vignolles—that he received it from Mr. Tanner, the map publisher, who sent him several copies. And plaintiff then offered in evidence said map shown to said witness, Gould, and testified of by him as the Vignolles map. And then further offered in evidence another map, purporting to be published by Tanner in 1827; and further offered in evidence the map of Florida and adjacent parts, published by authority of the United States, under the direction of General Bernard, of the engineer service of the United States, and therewith the message of the President of the United States to Congress of 25th February, 1829, and the accompanying documents, including the report of General Bernard; all which matters, it is agreed on behalf of the parties, may be read in evidence in the Supreme Court from the printed publication containing them; and all which maps or copies of them, it is agreed, shall be annexed to the transcript of record in this case.

And plaintiff further offered evidence by Albert A. Nunes, that he was formerly a clerk in the United States surveyor general's office in this State, and was appointed [in] 1838 or '39, and with the interval of one year was in the office about ten years; that he has heard in the office traditionally, and connectedly with the office, that Withlacooche river, Anaxura, and Amarina are the same thing; that he never heard it called by any other name; that he has seen, he thinks, these names on maps; that he was draftsman in the surveyor general's office.

Cross examined, says, that he has always understood the Anaxura to be the same thing as the Withlacooche, but that he knows nothing about it personally; that he never made any map on which the name of the river was put down as Anaxura or Amarina; that he thinks it was some time in 1834 or '35 put down by that name on one of the surveyor general's annual maps, but is not certain; that the maps which he has seen of Florida are Tanner's, Scarey's, Bernard's, Vignolles's, a man sent from Washington to the surveyor general, and so on; that he believes the surveyors, in their work for the office, uniformly called the river the Withlacooche; that there have been no persons employed as surveyor or otherwise in the office, so far as witness knows, who were in the country before the cession; that during wit-

ness's time in the office, Messrs. Whittiker, Washington, and McKay were as surveyors on the Withlacooche; that he thinks he has heard in the office that the river Withlacooche was called the Amaxura or Amarina; that he thinks there was one old manuscript map of Florida furnished to the surveyor general by the Government at the establishment of the office, and also a copy of some old Spanish maps. And the plaintiff then offered evidence by John Lee Williams that witness has resided in Florida over thirty years; that there is a river there known as the Withlacooche, which he has seen marked on maps as the "Amazura;" that he never heard it called the "Amarina;" that he does not know it as a matter of general reputation in this country that the Withlacooche and Amazura are the same river; does not know that he ever heard it spoken until to-day; that he has seen the name on maps; does not know that he has ever heard from any one that the Withlacooche and the Amazura are the same river; that the maps on which he has seen it are, a map in a book published by one Roberts; an English map witness had in his possession, which is decayed and lost, and thinks it was a map published by some one while the English were in possession of Florida, but cannot remember the name of the maker or publisher; it was a rare map which witness got in Philadelphia—never saw any one like it; thinks he also saw the same name of a river on a map in Bertram's Description of East Florida, and on Jeffrey's map affixed to Doctor Stark's Natural History, &c., of Florida; that he does not remember the date of the English map of which he has spoken; does not remember to have seen the name Amazura upon any other maps than those which he has stated.

Cross examined witness says, that he has written a history of Florida and made a map of Florida which are published; that he compiled his map from other maps, and from surveys and particular observations of his own, and as to names, adopted those on other maps; that he never heard from any Indian, Spaniard, or any other person, that the Withlacooche was called by any other name than that; for ought that he knows, the Amazura may have meant the Sawanne; that he already has said that he could not say whether the Withlacooche was once called the Amazura, only that he has seen on the maps which he has mentioned, a river apparently in the same locality (but cannot say if it is the same river,) marked Amazura; never heard it called Amarina; that he began to collect notes about Florida in 1825, and has ever since been collecting information about Florida; the maps of Jeffry's in John Bartram's description of East Florida being shown to witness he says, the Possor keys are west of the mouth of Sawanne river. But there are no such keys there (the place where they are on the maps) that there are little oyster Islands there bare at low water mark, at the same locality where on this map the *Posser* keys are; but no Island known as keys there, west of the mouth of the river; that on this map St. Martin's keys are represented as about half way between Apalachee and the mouth of the Sawanne river; that there are no such keys there at the present time;

but that there are some rocks about half way between these points near to the shore, within he thinks a half a mile of it; that there is a branch of the Sawanne called the Withlacooche, not a navigable stream, but a pretty large one; that the big Withlacooche is about thirty yards wide at its mouth, and higher up it is wider, perhaps *perhaps* one hundred yards wide at the widest part which he saw, and within fifteen miles from its mouth; that as to historians and geographers of Florida, the best that he consulted were De Key, one published under the name of the Portuguese Gentleman, one Gonalases de la Vega, the latter the best geographer; also Darby's Florida and Forbes's Florida, and a small work of Doctor Simmons, and that he has also read the travels by Bartram, the elder and the younger, and Sterles's work, and Roberts's; that he has never been at the head of the St. John's, and knows of the head of it only by information; and from that thinks that it heads in a flat savanna; that the westerly branches head within thirty or forty miles of Olchobee in dry time, and within ten miles of it in wet time; that from what he can learn it would be very difficult to find the head of it; if it is the drain of a large savanna it would be difficult to find the head of it in dry seasons, and wet seasons not the same; that he did not know Vignolles personally; has corresponded with him; does not know whether Vignolles ever visited the interior of the country; that he stated his information of the interior *of the interior* was principally derived from the people at St. Augustine; that witness did not learn from him that he had visited the western coast, that witness has visited it; that Vignolles's map is not accurate of the western coast, is tolerably so of the eastern; that the Ancalote keys are south of the big Withlacooche, considerably south; but there [is] a bay called the St. Joseph's bay, which is above Ancalote keys; thinks it is north of them; witness being shown a map now offered in evidence (marked No. 61, and a copy of which is to be annexed to this transcript) says that he should say that these keys and that bay are correctly put down on the map as he found them when on that coast; that witness once had a nautical map or chart when he was surveying that western coast, which witness gave to Mr. Riz; that the one now produced is the same he thinks; that witness bought it from Patton, the publisher in Philadelphia, who told witness that he copied it from one made by Gould, an Englishman, about the year 1812, or just before the war of 1812, from surveys which he made and ended in 1812; this was the most accurate map witness could find; that there was however many places skipped over and not put down upon it.

Examined in chief again witness says, that he has never on any map seen the Sawanne river marked Amazura.

Cross examined further witness says, that the map to Bartram's book by Jeffery's has them both marked, but does not remember seeing them both on any ancient maps; looking at Robert's map on Possor keys are located at the mouth of the Amazura; on the map the Caroline connects with the Amazura, but the connexion between them on

this map is nothing like the actual connexion between the little Withlacooche and the Sawanne; witness says, he never saw on any map marked as three rivers, the Sawanne, the Withlacooche and the Amazura; that on his map he marked the Hackley grant, and got the location for the grant itself, but that Mr. Hackley and witness differed about it; he wrote to witness, and got persons to call on witness about marking or locating his grant, while witness was making the map; but that witness could not locate it as Hackley wished, which was that after passing Fort King the line should go southwest than witness thought it should go; that at first Hackley wrote to witness, and then got a friend to call upon witness; and afterwards, that when witness went to New York, he sent and got witness to go to his house and see him; that he asked him, witness, to put his (Hackley's) grant down on witness's map, and offered to purchase fifty copies of witness's book, if witness would do so; that furnished witness on map the aid in the location; that witness was offered lands in the grant by Mr. Hackley, if witness would run the lines on witness's map as he wished them run, which witness did not do; that witness did not consider the offer a bribe; that he never heard Lake George called by another name; never heard of its having another name; thinks a half breed Indian once told witness it had another name; cannot recollect it. Does not know why he marked the spring on the map Amarina spring; cannot tell why, but supposes he must have got it from some map; that it is now called the Blue spring; that the half breed Indian already alluded to told witness of an Indian name that it had; but witness does not remember what it was; it was not Amarima; witness told him it was called Blue spring; cannot say why witness did not put it Blue spring on his map, but thinks he must have taken it (Amarima spring) from some map; that he has never seen any map before his, except Vignolles's and the other maps before alluded to, and one from Philadelphia which he has lost, and from that he might have got the name.

Examined in chief further.

Witness says that the river marked on his map as the Hijuelos was taken from a Spanish map; a Spaniard told him the meaning of the name, but witness does not remember what it was; does not remember what Spanish map it was that witness got this name from; it was a chart he had when he explored that coast; that in making the boundaries of the grant (Hackley's) on his map, he began at Lake George, and began there because it was easier to lay down the lines and find the other points by reversing the lines; that Blue spring is not the head of the Withlacooche.

And plaintiff then offered in evidence the map of said witness, Williams, referred to in his testimony, which (marked B 2) is to be annexed to this transcript, or a copy is, of said map; and plaintiff offered in evidence certain extracts from the book of Vignolles, being ex parte a sketch, accompanying the map of Vignolles, to show said Vignolles's

survey of information for constructing his map; and it was then agreed between the parties that at the hearing either party might at the hearing read extracts from said book, subject to the legal effect thereof; and that so, the book should be considered in evidence in the cause.

And thereupon the defendant offered evidence by Francis Pellicier, as follows:

I am fifty-four years of age; I was born in St. Augustine, and have resided in Florida ever since; have been in the habit of travelling through the country a great deal; I was always, while a young man, travelling; I was with General Hernandez during the last war, when we formed a junction with General Jesup; we marched from Fort Pierce at Haulover to the other Fort Pierce further down, about 100 miles on Indian river; General Jesup commanded his march from Black creek, on the west side of the river St. John's; we started from the east. The two armies concentrated on a large prairie about ten miles west of the head of St. Lucia, and 65 west of coast. From thence we marched to Lake Okechobee; we marched by land; we crossed the head of the St. John's at least four times in one day; I commanded a company. From Lake Harney we went east towards the Haulover, and thence down to Fort Paige, and from thence marched westward to where the two armies concentrated; the whole army marched together; we crossed the head of the St. John's on horseback in about three feet of water; it is ponds and open prairies; has no branches. This was immediately south of Lake Harney; I went with Judge Douglass and Hernandez afterwards to locate a grant for them, which location we could not find; I hunted upon this prairie at the head of St. John's, south of Lake Harney, adjoining it; above the little creek which runs into the lake, it terminates into a large prairie with some ponds. This creek, I suppose, to be the head creek of the St. John's; I went all around Lake Harney, and this creek is the only stream which runs into the lake. The head of this stream is an open prairie and ponds. This locality is south of and above Lake Harney. I never heard of the Amazura river in Florida. I have heard of the Withlacoochee frequently; there were two of them; the Indians called it Withlacoochay; I never heard of any river Amarima. When the army was in Florida, every creek and and pond was baptised. The Indian name was Withlacoochay, meaning small river. Amarrima I do not know as an Indian, and it is not a Spanish word; I have been familiar with the settlement of the country; I never heard of any settlement by the Duke of Alagon; no one except traders dared to cross the St. John's; there were no settlements south or west of Palatka, on the St. John's river; I should have known it if there had been any such settlement west of St. John's; I have never heard of the *the* river de Hijuelos. From Indian river we crossed over to Lake Harney, and thence were countermanded and reordered across the river St. John's, between the two armies. There was one fort or military post at the place where the junction was had. It was fifty miles

from where the battle of the Okechobee was fought that the junction of the armies was had. The two armies formed a junction and marched west on high, dry land, and got in sight of Lake Okechobee, when the army was countermanded for want of provisions.

And the defendant then offered in evidence the testimony of George J. Zabubane, in the words following: I was with Captain Pellicier's company, and was with [the] command of General Hernandez when it formed a junction with General Jesup; that they marched from St. Ann, at Haulover, to the upper end of Lake Harney; above they crossed the river St. John's on horseback in about 3 or 4 yards swimming; the river was not wide. We went to a fort or post about two miles on the west; it was a little river which we had to swim. We remained about 3 or 4 days and recrossed the river at the same point, and returned to the Haulover, and, following the general course of the river down, went to Fort Peirce; from thence we marched westwardly until we effected a junction with General Jesup's army, then continued southerly with Jesup's army to Fort Lloyd. We met General Jesup about 3 days' march due west from Fort Pierce. The two armies formed a junction on high land. We supposed we headed the river St. John's in our westerly march.

And the defendant offered testimony by Peter Brent. That he is a native of St. Augustine, and is fifty-four years old; that he never heard of a river called the Amarrina; has heard of one called the Withlacooche, and never heard it called by any other name; has never heard of the river Hijuelos.

Cross examined, says: He does not know when he first heard of the Withlacooche; has always lived in St. Augustine.

And defendant offered evidence by John Power. That he is 55 years old, and was born in St. Augustine; that he never heard of the river Amarrina in Florida; has heard of the Withlacoochee, but never heard it called by any other name; never heard of the river Hijuelos in Florida.

Cross examined, says: That he never was on the Withlacoochee or at it.

And defendant further offered evidence by Colonel G. Humphreys. That he came to Florida in 1823 as Indian agent; first was located in Pensacola; afterwards, in 1824, at Hattank's settlement, about 35 miles south of Ocala; and the following year the Indian agency was fixed at old Fort King; that there are two streams in Florida called the Withlacoochee—the little and big—emptying into the gulf, and forming the river called the Withlacoochee, which empties into the gulf near Anclote keys; that the head of the big Withlacoochee is a pond, which is formed by small streams and springs running into it in a range of ten miles above it; that the little Withlacoochee is another source of the main river; that he never traced either of them to its source; that there is considerable difference in the size of these streams; that he never heard the Withlacoochee called by any other name; that was a familiar and well-known name when witness first came into the country;

on Vignolles's map he has seen it put down as "Amazuna," and on some one map he thinks he has seen it marked as "Amarrima" or "Amarrina," but cannot remember on what map he so saw it; thinks it was a modern American map.

And defendant further offered testimony by Moses E. Levy. That he is interested in grants which are located on Vignolles's map, but not correctly located; that he knew Vignolles very well, and was in New York when he (Vignolles) was preparing his map; that he did not seek information from witness; that Mr. Hackley was in New York at the same time, and that witness saw Mr. Hackley once; thinks it was in 1823, and shortly before Mr. Vignolles issued his map; that witness knew Mr. Vignolles very well; that he did not lay down correctly for witness the Aradondo grant on Marietta and Coalphalche.

And defendant then offered evidence by B. A. Putnam. That he is United States surveyor general at St. Augustine, and has been so since May, 1849; that he has brought into court the only general map of Florida he has in his office; that, so far as he knows, the river Withlacooche has always been called in his office by that name, except that on Scarey's map, (which he has brought into court,) it is marked Withlacoochee or Amarina; the first surveys on it were in 1834 or '35, and it was then called Withlacoochee by the surveyors; that in his office there is no other general map than Scarey's; on that map it is called Withlacoochee, Amarina, or Amaxura; and witness produces map purporting to have been completed in 1828 or 1829, and a copy of it is agreed to be annexed to the transcript of record of this cause, and is marked (A 2.)

And the defendant then offered in evidence the paper following:

Defendant's document No. 58.

Don Pedro Jose Pidal, Marquis de Pidal, caballero gran cruz de la real y distinguida orden Española de Carlos III, disputado á cortes, primer secretario de estado y del despacho, &c., &c., &c., certifico, que habiendose procedido á buscar en el archivo del ministerio de mi cargo, donde debieren existi las instancias originales dirijidas al Rey, Don Fernando VII, por el Duque de Alagon, y por el Conde de Punon Rostro, con fechas doce de Julio y tres de Noviembre, de mil ochocientos diez y sieto, solicitando que S. M. se dignose concederles la propriedad de varias tierras en las Floridas, no se han encontrado dichas instancias.

Y para que conste y obre los efectos convenientes á peticion del Sr. Ministro del Interior de los Estados Unidos de America, és pido por duplicado la presente certificacion, firmada de mi mano y sellada con el sello de esta secretaria, en Madrid, á primero de Mayo de mil ochoc ientos cincuenta. PEDRO J. PIDAL.

I, Daniel M. Barringer, envoy extraordinary and minister plenipotentiary of the United States, near the court of her catholic Majesty, do hereby certify, that the certificate aforegoing of his excellency, the

Marquis of Pidal, secretary of state of H. C. M., is genuine, in due form, and by the proper officers.

In testimony whereof I have hereto set my hand, and affixed the seal of this legation, this 5th day of March, 1850.

D. M. BARRINGER.

Translation.

Department of State.

I, Don Pedro Jose Pidal, Marquis of Pidal, knight grand cross of the royal distinguished order of Charles III, deputy to the cortes, principal secretary of state, &c., &c., certify, that having been instituted in the archives of the department under my charge, where they ought to exist, for the original petitions directed to King Ferdinand VII, by the Duke of Alagon and counsel of Punon Rostro, dated respectively upon July 12th and November 3d, 1817, soliciting from his Majesty that he would deign to grant to the petitioners the property in various lands in the Floridas, the said petitions have not been found.

And that the same may appear, and for the purposes for which it may avail, at the request of the Secretary of the Interior of the United States of America, I execute the present certificate in duplicate, signed by my hand and sealed with the seal of this department, at Madrid, this 1st day of March, 1850.

[SEAL OF STATE.] (Signed) PEDRO J. PIDAL.

(Certified by Mr. Barringer.)

I do hereby certify that the foregoing is a true and correct translation of the document hereto annexed.

JOHN M. FONTANE,
Translator.

The plaintiff, however, objected to the admissibleness of said paper in evidence, which objection the court overruled; and the plaintiff objected to said ruling of the court, and humbly insists on his said exceptions.

And the defendant then offered in evidence the book called "Roberts's Account of Florida," and the map attached to it, of which map a copy is to be annexed to the transcript of record in this cause; and it is agreed between the parties that the book may, for any extracts from it, be read at the hearing in the Supreme Court; and under the like agreement, as to annexing a copy of the map, and reading the book to which it is appended, the defendant offered in evidence the book called Bertram's Description of East Florida, and the map therewith.

The defendant then offered in evidence the testimony of Andreas Papy, Bartolo Pacetty, Vicentio Pacetty, who testified as follows:

Andreas Papy, called for defendant and sworn. I was born in St. Augustine, and have always lived here. I never heard of the name of the river Amarima. I have heard of Withlacooche river; have

never heard it called by any other name; have never heard the river called by the name of de Hijuelos.

Cross examined.

I know the Withlacooche; I have crossed that river several times, with cattle, with my brother-in-law; I think it was north and south; it has a rocky bed; have crossed it on the road; I never was at the mouth of that river; I know of its being called Withlacooche from some Indians whom I had with me; it is beyond Okalumply, or near to Chuachatty. I was in the habit of going out to trade with the Indians every spring in Spanish times; I commenced going out there in 1814 or 1815. Chuachatty is on the west side of the river. I never heard the name of Amasura, or Amanina, or Amarina, or Amarrima spring.

Bartolo Pacetty, a witness sworn on the part of defendant, says: I was born in St. Augustine; have always resided in city of St. Augustine; I am sixty years of age; I have never heard of the river Amarrima; have never heard of the river de Hijuelos; I have heard of river Withlacooche; first heard of it when General Church had his battle there; that was beginning of war; never heard of it before.

Vicente Pacetty, sworn on part of defendant, says: Was born in St. Augustine, and have always lived in St. Augustine. I have never heard of river Amarrima, in Spanish times, or de Hijuelos. Have never heard of the Amarrima, or Amasura river, or Amanina springs.

The counsel for the respective parties having concluded their arguments, the court charged and instructed the jury as follows, to wit:

1st. The foundation of the plffs. title is the concession or order of the King of Spain of the 17th December, 1817, and the cedula or royal order of the 6th February, 1818, which, together, constitute the grant or concession to the Duke of Alagon to the lands in question. Whether the order of 17th December, 1817, was complete in itself, and amounted to a grant, I deem it unimportant to inquire, because it was reaffirmed and made operative by the cedula or royal order of the 6th February, 1818, which related back to the order of 17th December, 1817; and hence that may be considered the date of the concession, explained and rendered more full and perfect by the order of 6th February, 1818, and it is so considered for the purposes of this suit.

Taking these two orders together, it is manifest from their tenor and spirit, and it is more particularly apparent from the orders and proceedings of the King and the council of the Indies, in the early part of 1818, that one object and intent, and one condition of the grant or concession to Alagon, and one of the principal inducements on the part of the King to make the grant, was the colonization and settlement of the country and the agricultural and commercial advantages which it was supposed would arise to the province therefrom. And it is equally clear that the grant was made subject to the laws of Spain, and particularly subject to such laws of the Indies as were applicable to the case; and that the Duke of Alagon, in his proceedings to carry

into effect the objects of the grant, and to avail himself of its benefits, was bound to conform to those laws.

The testimony goes to show not only what those laws were, but that early in 1818, and before the Duke of Alagon had sold or conveyed any of these lands, his attention was distinctly called to them by the King and the council of the Indies, or by the proper officials of the Spanish Government, and that every effort was made on the part of the King of Spain to insure the due observance of them by the Duke of Alagon; and that he was especially cautioned and advised that he could not by law, and would not be permitted to alienate the lands, or any part of them, particularly to strangers or foreigners. After this, and before any treaty had been ratified and confirmed between the United States and Spain, and while the province of East Florida was still under the dominion of Spain, and subject to the laws of Spain, the deed of May, 1819, was executed by Alagon to Rich'd S. Hackley.

Second. Therefore, if the jury are satisfied that the laws of Spain and the Indies were such as have been read to them, and that it was not lawful for a Spanish subject to sell or transfer lands to a stranger or foreigner, then this deed of May, 1819, from Alagon to Hackley, was in violation of law and void, and conferred no title upon Hackley.

The Duke of Alagon could not (if those laws have been correctly and satisfactorily proved) legally make any such conveyance; and had he attempted so to do here in the province of East Florida, where it ought to have been done if at all, he would have been prevented by the Governor from doing it; and no notary here could have executed the papers without violation of law and of the royal order.

The same objection applies to the deed of conveyance to Hackley of the 30th of June, 1820. That conveyance was likewise in violation of law, and against the express injunctions of the King. It was made in Madrid instead of the province of East Florida, and while the Spanish law was in full force and effect here.

Third. The court is further of opinion, that the grant to the Duke of Alagon was in fact formally annulled by the King on the final ratification of the treaty, by and with the consent of the Cortes, as appears from the evidence in the case; and whether this revocation or annulment of the grant by the King and Cortes was founded upon the fact that Alagon had justly forfeited all right to the lands by disregarding the objects and conditions of the grant, and by attempting to transfer the lands to a foreigner, or upon the right of eminent domain, and upon the ground that it was necessary, in order to complete the treaty, and therefore for the public good and general welfare of the nation, to resume or revoke the grant, it was in either case a rightful and legitimate use of sovereign power, and one which cannot be questioned in a court of justice.

Fourth. The court is further of the opinion, that even if the grant was not rightfully annulled by the treaty, yet it is not a grant which, by the terms of the treaty, would stand ratified and confirmed, or which the United States are bound to confirm, although made before the 24th

January, 1818; that the United States are bound to ratify and confirm it only to the same extent that it would have been valid if the territory had remained under the dominion of Spain; and it is manifest, from the evidence in the case, that if the treaty had not been made, the grant would not have been held valid by the Spanish Government; it was in fact revoked and annulled by the King and Cortes. The United States, therefore, are not bound either by the rules of public law, by the universal principles of right and justice, or by the terms of the 8th article of the treaty, to recognise or confirm it.

Fifth. The court is further of the opinion, that inasmuch as this claim under the grant to the Duke of Alagon has never been recognised and confirmed by the United States, or by any board of commissioners or court authorized by Congress to adjudicate or decide upon the validity of the grant, it is therefore a claim "not recognised or confirmed," and within the meaning of the 1st section of the act of Congress of 3d March, 1807, (relating to settlements, &c., on the public lands, 2d vol. Statutes at Large of the U. S., page 445,) and that the claimants, therefore, have only an equitable or inchoate title at best, and have not the right to take possession; but, on the contrary, are expressly forbidden so to do until their title has been confirmed. Consequently, that not having the right of possession or the complete legal title, they cannot sustain an action of ejectment; that their only redress is by application to the political power or legislative department of the government; that the courts of justice cannot furnish it without a violation of law.

These points being fully conclusive as to the rights of the parties, the court deems it unnecessary to notice other points raised in the course of the trial and arguments.

From these views of the court, however, the jury are bound to find a verdict for the defendant, and are so instructed accordingly.

To all of which charge, and each and every paragraph or section of the same, the plaintiffs' counsel excepted, and prayed their exception to be noted in the words following:

To all and every part of which instructions and directions, so far as adverse to the plaintiffs, the plaintiffs except, and especially to each and all of the directions and propositions and points contained in each of the articles or paragraphs of said instructions numbered, respectively, in the said instructions, 1, (one,) 2, (two,) 3, (three,) 4, (four,) and 5, (five.)

And the plaintiff prays the court to sign and seal this his bill of exceptions, which is accordingly done this twenty-fourth day of May, eighteen hundred and fifty-two.

(Signed) I. H. BRONSON, *Judge.* [SEAL.]

And afterwards, to wit, on the twenty-sixth day of May, in the year one thousand eight hundred and fifty-two, upon the prayer of the plaintiff, the following writ of error was duly issued in this case in the words following, to wit:

The President of the United States, to the judge of the district court of the United States, for the northern district of Florida, greeting:

Because in the record and proceedings, as also in the rendition of a judgment in a plea, which is in the said court before you, between John Doe, on the demise of Lot Clarke, David Clarkson, Joseph D. Beers, Andrew Tallcott, Brantz Mayer, and Harriet Hackley, plaintiffs, and Joseph Addision Braden, defendant, manifest errors have happened to the great damage of the said Lot Clarke, Joseph Clarkson, Joseph D. Beers, Andrew Talcott, Brantz Mayer, and Harriet Hackley, as by their complaint appears; and it being fit that the error, if any there hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf:

You are hereby commanded, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at the Capitol, in the city of Washington, on the first Monday of December next, that the said Supreme Court may cause further to be done therein, to correct that error, what of right and according to the law and custom of the United States should be done.

Witness the honorable Roger B. Taney, chief justice of the said Supreme Court of the United States, this 26th day of May, in the year of Lord one thousand eight hundred and fifty-two, and of the independence of the United States the 76th.

[SEAL.] GEO. R. FAIRBANKS,
Clerk of the district court of the United States,
for the northern district of Florida.

L. A. THOMPSON,
Plaintiffs' attorney.

And afterwards, to wit, on the 27th day of the month of May last aforesaid, the following citation upon the aforesaid writ of error was duly issued by the judge of said court in the words following, that is to say:

United States of America, to Joseph Addison Braden.

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington, on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the district court of the United States, for the northern district of Florida, wherein John Doe, on the demise of Lot Clarke, Joseph Clarkson, Joseph D. Beers, Andrew Talcott, Brantz Mayer, and Harriet Hackley, are plaintiffs, and you are defendant, to show cause, if any there be, why the judgment in the said writ of error mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

Witness the honorable Isaac H. Bronson, judge of the district court of the United States, for the northern district of Florida, at the city of St. Augustine, Florida, May 27, 1852.

[SEAL.] I. H. BRONSON,
Judge of the district court of the United States, for the northern district of Florida.

And on the 24th day of May, 1852, the following agreement and stipulation, by direction of the counsel for the respective parties, was placed upon file in said cause;

In the district court of the United States, for the northern district of Florida.

DOE EX DEM. LOT CLARKE and others,
vs.
JOSEPH ADDISON BRADEN.

It is agreed that the printed publications purporting respectively to be of the following matters, (they having been used in evidence at the trial of this cause for such effect as belonged to them,) may be omitted from the transcript of the record to the Supreme Court of the United States upon any writ of error in the case, but may be for such effect aforesaid used at the hearing in the said Supreme Court as if actually introduced into said transcript as part of the record of this cause, which they are hereby made, and as if they in said record and transcript appeared as testimony according to their due effect in said cause, to wit: The Siete Partidas; the Novissima Recopilacion; the Recopilacion de las Indies; the Constitution of the Spanish Monarchy (in the Spanish) promulgated in March, 1812; the ordinance or decree of the year 1814, of the King of Spain, purporting to repudiate or abrogate the said constitution; the decrees or ordinances and the decrees or journals of the Cortes; the State Papers of the United States; the journals of the Executive sessions of the Senate of the United States; documents of either house of the Congress of the United States; the compilations purporting to have been made and published under the authority of Congress or of the House of Representatives of United States; laws relating to the public lands, treaties, proclamations, Spanish regulations, and other documents; the book purporting to be an accompaniment, by way of exposition, to the map published in the year 1823, of Florida, as drawn or surveyed by Vignoles, "Bartram's Travel," and Robert's Discovery, and Stark's East Florida.

CHARLES F. MAYER,
For plaintiff.

May 24, 1852.

GEO. W. CALL,
U. S. attorney and attorney for defendant.

In district court of the United States, northern district of Florida.

I, George R. Fairbanks, clerk of the district court of the United States for the northern district of Florida, at St. Augustine, do hereby certify, that the foregoing 824 pages contain a full, correct, and faithful transcript of the record of the proceedings had in the above entitled cause.

In witness whereof I have hereunto set my hand and affixed the seal of said court at the court-house in the city of St. Augustine, this 24th day of December, A. D. 1852.

[SEAL.]

GEO. R. FAIRBANKS, *Clerk.*

UNITED STATES OF AMERICA,
Northern district of Florida, ss:

I, Isaac H. Bronson, judge of the district court of the United States for the northern district of Florida, do hereby certify, that George R. Fairbanks, who hath signed the foregoing certificate, is and was on the day of the date of the same, the clerk of said court at the city of St. Augustine, duly commissioned and qualified; that his signature above to said certificate is genuine; and that the said attestation or certificate is in due form of law.

Dated this 24th day of December, 1852.

I. H. BRONSON, *Judge, &c., &c.*

2813.

SUPREME COURT OF THE UNITED STATES.

No. 149.

NEAL BENSON, PLAINTIFF IN ERROR,

vs.

JAMES SCHOTT, Jr., AND MARGARET M. SCHOTT, HIS WIFE.

IN ERROR TO THE CIRCUIT COURT, UNITED STATES, FOR THE SOUTHERN DISTRICT OF NEW YORK.

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Gideon Print.

UNITED STATES OF AMERICA, *ss.*

The President of the United States of America, to the judge of the circuit court of the United States, for the southern district of [L. S.] New York, greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said circuit court, before you, or some of you, between James Schott, junior, and Margaret M. Schott, his wife, plaintiffs, and Neal Benson, defendant, a manifest error hath happened, to the great damage of the said Neal Benson, as is said, and as appears by his complaint; we, being willing that such error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the justices of the Supreme Court of the United States, at the Capitol in the city of Washington, together with this writ, so that you have the same at the said place, before the justices aforesaid, on the first Monday of March next, that the record and proceedings aforesaid being inspected, the said justices of the Supreme Court may cause further to be done therein, to correct that error, what of right, and according to the law and customs of the United States, ought to be done.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, this nineteenth day of January, in the year of our Lord one thousand eight hundred and fifty-two, and of the independence of the United States the seventy-sixth.

JOHN W. NELSON,
Clerk of the circuit court of the United States of America, for the southern district of New York, in the second circuit.

The answer of the judges of the circuit court of the United States, for the southern district of New York, in the second circuit, in the within writ mentioned.

The record and proceedings whereof mention is within made, with all things concerning the same, are hereby respectfully sent to the Supreme Court of the United States, within mentioned, in a certain schedule to this writ annexed, as within it is commanded.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, this fifteenth day of Jan-
[SEAL.] uary, in the year of our Lord one thousand eight hundred and fifty-three.

JOHN W. NELSON, *Clerk.*

2914.

UNITED STATES OF AMERICA, *ss.*

The President of the United States of America, to the judge of the circuit court of the United States, for the southern district of [L. S.] New York, greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said circuit court, before you, or some of you, between James Schott, junior, and Margaret M. Schott, his wife, plaintiffs, and Neal Benson, defendant, a manifest error hath happened, to the great damage of the said Neal Benson, as is said, and as appears by his complaint; we, being willing that such error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the justices of the Supreme Court of the United States, at the Capitol in the city of Washington, together with this writ, so that you have the same at the said place, before the justices aforesaid, on the first Monday of March next, that the record and proceedings aforesaid being inspected, the said justices of the Supreme Court may cause further to be done therein, to correct that error, what of right, and according to the law and customs of the United States, ought to be done.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, this nineteenth day of January, in the year of our Lord one thousand eight hundred and fifty-two, and of the independence of the United States the seventy-sixth.

JOHN W. NELSON,
Clerk of the circuit court of the United States of America, for the southern district of New York, in the second circuit.

The answer of the judges of the circuit court of the United States, for the southern district of New York, in the second circuit, in the within writ mentioned.

The record and proceedings whereof mention is within made, with all things concerning the same, are hereby respectfully sent to the Supreme Court of the United States, within mentioned, in a certain schedule to this writ annexed, as within it is commanded.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, this fifteenth day of Jan-
[SEAL.] uary, in the year of our Lord one thousand eight hundred and fifty-three.

JOHN W. NELSON, *Clerk.*

SUPREME COURT OF THE UNITED STATES.

NEAL BENSON, appellant,
vs.
JAMES SCHOTT, junior, and Margaret M., his wife, respondents.

SOUTHERN DISTRICT OF NEW YORK, *ss.*

Edward Clark, being duly sworn, says, he is the law partner of Ambrose L. Jordan, the attorney in this cause for the above named appellant; that deponent, on the nineteenth day of February instant, served the citation which is hereto annexed on A. C. Niven, esq., the attorney for the said respondents, by enclosing to him by mail, and paying the postage thereon, a true copy of the said citation, and deponent at the same time served in like manner a copy of the writ of error, issued and filed in the above entitled cause.

Deponent further says, he has received a letter from the said A. C. Niven, esq., acknowledging the receipt of the said copy citation, and copy writ of error, by him, on the 21st day of February instant.

EDWARD CLARK.

Sworn before me, this 25th day of February, 1852.

JOHN W. NELSON,
U. S. Commissioner.

By the honorable Samuel R. Betts, one of the judges of the circuit court of the United States, for the southern district of New York, in the second circuit, to James Scott, junior, and Margaret M. Schott, his wife.

Whereas Neal Benson lately issued out of the Supreme Court of the United States a writ of error, directed to the judge of the circuit court of the United States, for the southern district of New York, stating that in the record and proceedings, as also in the rendition of the judgment of a plea in the said court before the judge thereof, between James Schott, junior, and Margaret M. Schott, his wife, plaintiffs, and Neal Benson, defendant, a manifest error hath happened, to the great damage of the said Neal Benson.

And whereas for the correction of that error in due manner, the said writ has been issued, returnable at the next stated Supreme Court of the United States, at the city of Washington, on the first Monday of March next; you are, therefore, hereby cited to appear before the said Supreme Court, at the city of Washington, on the said first Monday of March next, to do and receive what may appertain to justice to be done in the premises.

Given under my hand at the city of New York, in the southern district of New York, in the second circuit, the nineteenth day of February, in the year of our Lord one thousand eight hundred and fifty-two, and of the independence of the United States the seventy-sixth.

SAM. R. BETTS.

UNITED STATES CIRCUIT COURT,
Southern district of New York.

Pleas in the circuit court of the United States, held at the City Hall in the city of New York, in and for the southern district of New York, before the judges of the said court, of the third day of December, as yet of October term, one thousand eight hundred and forty-nine.

Present, the honorable Samuel Nelson, one of the associate justices of the Supreme Court; the honorable Samuel R. Betts, district judge; John W. Nelson, clerk.

SOUTHERN DISTRICT OF NEW YORK, *ss.*

Be it remembered, that on the 17th day of November, one thousand eight hundred and forty-nine, in this term, at the City Hall of the city of New York, before the judges of the circuit court of the United States, for the southern district of New York, came James Schott, jr., and Margaret M. Schott, his wife, residents and citizens of the State of Pennsylvania, by Archibald C. Niven, their attorney, and brought into the said court, before the said judges thereof then there, their certain declaration, pursuant to the statute in such case made and provided, against Neal Benson, a citizen and resident of the State of New York, in a plea of trespass and ejectment, which said declaration is in these words, to wit:

UNITED STATES CIRCUIT COURT,
Southern district of New York.

Of the term of October, to wit, of the 5th day of November, 1849.

SOUTHERN DISTRICT OF NEW YORK, *ss.*

James Schott, jr., and Margaret M. Schott, his wife, by Archibald C. Niven, their attorney, complain of Neal Benson, a citizen of the State of New York, being in custody, &c., for that whereas the said plaintiffs, (now citizens of and residents in the State of Pennsylvania,) on the twentieth day of August, one thousand eight hundred and forty-nine, at the town of Neversink, in the county of Sullivan, and in the said southern district of the State of New York, were possessed of certain premises, in Great lot No. four, of the Hardenburg patent, beginning at the south line of Great lot No. five, at a heap of stones at the northwest corner of Garret Benson lot, and runs from thence south, twenty-three degrees forty minutes west, thirty-four chains twenty links, to the turnpike; thence north seventy-one degrees west, ten chains, to a heap of stones; thence north twenty-three degrees forty minutes east, thirty-four chains twenty links, to Great lot No. five; thence, along said line, ten chains, to the place of beginning, containing thirty-four acres.

Also certain other premises in said Great lot number four, beginning at the southwest corner of the lot on the turnpike, and north twenty-seven

chains, to a stump and stones around it; thence north twenty-five degrees east, seventeen chains, fifty links to lot number five; thence along the line between Great lots number four and five, to the corner of Neal Benson's old lot; then south twenty-five degrees west, thirty-five chains fifty links, to the turnpike, south fifty-nine degrees west, ten chains along the turnpike; then south seventy-two degrees fifteen minutes west, along the turnpike to the place of beginning, containing eighty-six acres of land; which said premises are of the value of one thousand dollars, and are claimed by the said plaintiffs, being so possessed thereof; the said defendant afterwards, to wit, on the twenty-first day of August, one thousand eight hundred and forty-nine, entered into the said premises, and ejected the said plaintiffs therefrom, and unjustly withholds from the said plaintiffs the possession thereof. And also for that whereas the said Margaret M. Schott, (a citizen of the State of Pennsylvania,) on the twentieth day of August, one thousand eight hundred and forty-nine, at the town of Neversink, in the county of Sullivan, and in the southern district of the State of New York, was possessed of certain other premises in Great lot number four of the Hardenburgh patents, beginning at the south line of Great lot number five, at a heap of stones, at the northwest corner of Garret Benson lot; and runs from thence south twenty-three degrees forty minutes west, twenty-four chains twenty links, to the turnpike; thence north seventy-one degrees west, ten chains, to a heap of stones; thence north twenty-three degrees forty minutes east, thirty-four chains twenty links, to Great lot number five; thence along said line ten chains to the place of beginning, containing thirty-four acres. Also certain other premises in said Great lot number four, beginning at the southwest corner of the lot on the turnpike, and north twenty-seven chains, to a stump and stones around it; then north twenty-five degrees east, seventeen chains fifty links, to lot number five; then along the line between Great lots number four and five, to the corner of Neal Benson's old lot; then south twenty-five degrees west, thirty-five chains fifty links, to the turnpike, south fifty-nine degrees west, ten chains, along the turnpike; then south seventy-two degrees fifteen minutes west, along the turnpike, to the place of beginning, containing eighty-six acres of land; which said premises are of the value of one thousand dollars, and are claimed by the said plaintiff, Margaret M. Schott, in fee; and she being so possessed thereof, the said defendant, afterwards, to wit, on the twenty-first day of August, one thousand eight hundred and forty-nine, entered into the said premises and ejected her therefrom, and unjustly withholds from her the possession thereof.

And also for that whereas the said James Schott, jr., (a citizen of the State of Pennsylvania,) on the twentieth day of August, one thousand eight hundred and forty-nine, at the town of Neversink, in the county of Sullivan, and in the southern district of the State of New York, was possessed of certain other premises in Great lot number four, of the Hardenburgh patent, beginning at the south line of Great lot number five, at a heap of stones at the northwest corner of Garret Benson lot, and runs from thence south twenty-three degrees forty minutes west,

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thirty-four chains twenty links, to the turnpike; thence north seventy-one degrees west, ten chains, to a heap of stones; then north, twenty-three degrees forty minutes east, thirty-four chains twenty links, to Great lot number five; thence along said line, ten chains, to the place of beginning, containing thirty-four acres; also certain other premises in said Great lot number four, beginning at the southwest corner of the lot on the turnpike, and north twenty-seven chains, to a stump and stones around it; thence north twenty-five degrees east, seventeen chains fifty links, to lot number five; then along the line between Great lots number four and five, to the corner of Neal Benson's old lot; thence south twenty-five degrees west, thirty-five chains fifty links, to the turnpike, south fifty-nine degrees west, ten chains, along the turnpike; then south seventy-two degrees fifteen minutes west, along the turnpike, to the place of beginning, containing eighty-six acres of land; which said premises are of the value of one thousand dollars, and are claimed by said James Schott, jr., who has a life estate therein as tenant by the courtesy; and he being so thereof possessed, the said defendant afterwards, to wit, on the twenty-first day of August, one thousand eight hundred and forty-nine, entered into the said premises and ejected him therefrom, and unjustly withholds from him the possession thereof.

And also for that whereas the said James Schott, jr., and Margaret M. Schott, his wife, (being citizens of the State of Pennsylvania,) on the twentieth day of August, one thousand eight hundred and forty-nine, at the town of Neversink, in the county of Sullivan, and in the southern district of the State of New York, were possessed of certain other premises in Great lot No. four, of the Hardenburgh patent, beginning at the south line of Great lot No. five, at a heap of stones at the northwest corner of Garret Benson's lot, and runs from thence south twenty three degrees forty minutes west, thirty-four chains twenty links, to the turnpike; thence north seventy-one degrees west, ten chains, to a heap of stones; thence north twenty three degrees and forty minutes east, thirty-four chains twenty links, to Great lot No. five; thence along said line, ten chains, to the place of beginning, containing thirty-four acres.

Also certain other premises in said Great lot No. four, beginning at the southwest corner of the lot on the turnpike, and north twenty-seven chains, to a stump and stones around it; thence north twenty-five degrees east, seventeen chains fifty links, to lot No. five; then along the line between Great lots Nos. four and five, to the corner of Neal Benson's old lot; then south twenty-five degrees west, thirty-five chains and fifty links, to the turnpike; south fifty-nine degrees west, ten chains, along the turnpike; then south seventy-two degrees fifteen minutes west, along the turnpike, to the place of beginning, containing eighty-six acres of land; which said premises are of the value of one thousand dollars, claimed by the said Margaret M. Schott in fee, charged with the life estate of her husband, as tenant, by the courtesy; and the said James Schott, jr., having such a life estate therein,

and they, the said plaintiffs, being so possessed thereof, the said defendant afterwards, to wit, on the twenty-first day of August, one thousand eight hundred and forty-nine, entered into the said premises and ejected the said plaintiffs therefrom, and unjustly withholds from them, and him, and her, the possession thereof.

To the damage of the said plaintiffs of one thousand dollars, and therefore they bring their suit, &c.

To McNeal Benson.

You are hereby notified that the declaration, with a copy whereof you are now herewith served, and to which copy this notice is subjoined, will be filed on the seventeenth day of November instant, being the second Saturday of the present term of the circuit court of the United States, for the southern district of the State of New York, at the place of holding said court in the city of New York.

That upon filing the same, a rule will be entered requiring you to appear and plead to said declaration within twenty days after the entry of such rule, and that if you neglect so to appear and plead, a judgment by default will be entered against you, and the plaintiffs will recover possession of the premises specified in the said declaration.

Dated November 5th, 1849.

Plea.

And the said Neal Benson, by Ambrose L. Jordan, his attorney, comes and says, that he is not guilty of unlawfully withholding the premises claimed by the said James Schott, jr., and Margaret M. Schott, his wife, as alleged in their said declarations, and of this he, the said Neal Benson, puts himself upon the country; and the said James Schott, jr., and Margaret M. Schott, his wife, do the like, &c.

And issue being thus joined between the parties aforesaid, the said cause is continued in the said court, before the aforesaid judges thereof, at the City Hall, of the city of New York, until the term of April, one thousand eight hundred and fifty, at which term the said issue is ordered to be tried.

At which day and place came the parties aforesaid, by their respective attorneys aforesaid, and the jurors before and by whom said issue is to be tried also come, and are duly empannelled, tried, and sworn to try the said issue.

And now, at this day, that is to say, on the fifteenth day of May, 1850, in the term of April, 1850, the said cause came on to be tried at the place aforesaid, before the judges aforesaid; and the jurors of the jury aforesaid being chosen, tried, and sworn to speak the truth of the matters aforesaid, say, upon their oaths, that the said defendant is guilty of the trespass and ejectment charged in the declaration, in manner and form as the plaintiffs have therein complained against him, and they find for the plaintiffs, and six cents costs.

Therefore it is considered by the court aforesaid now here, that the

said plaintiffs do recover of the said defendant possession of the premises in the declaration aforesaid particularly described; and it is further considered that the said plaintiffs have execution to be put in possession of the said premises.

And it as also considered, and by the court now here adjudged, that the said plaintiffs do recover against the defendants their costs and charges, to three hundred and fifty-two dollars and forty-eight cents, adjudged to the plaintiffs, and with their assent; and that they have execution thereof to collect the same pursuant to law.

Judgment signed this 3d day of December, 1851.

RICHARD E. STILLWELL,
Deputy clerk.

UNITED STATES CIRCUIT COURT,
Southern district of New York.

NEAL BENSON
ads.
JAMES SCHOTT, junior, and Margaret M. Schott, his wife.

Afterwards, to wit, at a circuit court of the United States, held in and for the southern district of New York, at the City Hall, in the city of New York, on the sixteenth day of May, in the year one thousand eight hundred and fifty-one, before the honorable Samuel Nelson, a justice of the Supreme Court of the United States, appointed to hold the said circuit court, the aforesaid issue, so joined between the said parties as aforesaid, came on to be tried before a jury of the city and county of New York, in the said southern district of New York, for that purpose duly empannelled, good and lawful men of said city and county.

At which day came there as well the said plaintiffs as the said defendant, by their respective attorneys aforesaid, and the jurors of the jury aforesaid, empannelled to try the issue aforesaid, being called, also came, and were then and there in due manner chosen and sworn to try the said issue. And upon the trial of the said issue the counsel for the said plaintiffs, to maintain and prove the issue on his part, read in evidence a certain lease dated May 1st, 1820, which was as follows:

"This indenture, made the first day of May, in the year of our Lord one thousand eight hundred and twenty, between Robert L. Livingston, esq., of Clermont, of the first part, and Neal Benson, of the second part, witnesseth: That the party aforesaid of the first part, for and in consideration of the rents and covenants hereinafter mentioned, which, on the part and behalf of the party aforesaid of the second part, are to be paid, done, observed, performed, fulfilled, and kept, hath demised, bargained, enfeoffed, set and to farm let, and by these presents doth demise, set and to farm let, unto the party aforesaid of the second part, his heirs and assigns, all that certain parcel of land lying in the town of Neversink, in the county of Sullivan, in Great lot No. , in

the Hardenburgh patent; beginning at the south line of Great lot No. 5, at a heap of *stores* at the northwest corner of Garret Benson's lot, and runs from thence south 23.40 west, 34 chains 20 links, to the turnpike; thence north 71 west, 10 chains, to a *heak* of *stores;* thence north 23.40 east, 34 chains 20 links, to Great lot No. 5; thence along said line 10 chains, to the place of beginning, containing thirty-four acres.

Together with all and singular the trees, woods, and underwoods, saving and always reserving to the party of the first part, his heirs [and] assigns forever, all streams, creeks, and runs of water, and all mines, minerals, ores, and metals, of every nature and kind, upon and within the farm hereby demised, standing, being, or to be found, with full and free ingress, egress, regress, and power and liberty at all times to search; dig, and carry away, the same, or to manufacture the same thereupon; and for that purpose to make and erect mills, dams, and other buildings, and also to take and use all such timber, firewood, stones, and other materials, as may be found in any part of the said demised farm, proper and necessary for his and their use; but it is hereby provided that for so much of the said demised farm as shall by these means become encumbered or rendered useless to the party of the second part, there shall be deducted out of the yearly rents, by these presents reserved, a reasonable abatement, in proportion to the whole quantity of the said hereby demised farm, during the time that any part may be so encumbered or rendered useless; to have and to hold the said farm, land, and premises herein before demised (saving, reserving, and excepting, as aforesaid) unto the party aforesaid of the second part, his executors, administrators, and assigns, for and during the lives of the said Neal Benson, Phœbe, his wife, and Garret Benson, son of , aged about twelve years, from the day before the date of these presents, to the proper use, benefit, and behoof of the party aforesaid of the second part, his executors, administrators, and assigns; yielding and paying therefor, during the continuance of this present lease, yielding and every year unto the party aforesaid, of the first part, his heirs or assigns, the yearly rent of four *fathens*, and one day's labor with a wagon, sled, or plough, together with a yoke of oxen or pair of horses, and a driver, at such time and place within ten miles, as the party of the first part, his heirs or assigns, shall require, and six $\frac{4}{5}$ bushels of good, sweet, merchantable winter wheat, for the above demised premises, to be delivered and paid by the party aforesaid of the second part, his heirs or assigns, on the first day of every month of May, yearly, at such storehouse or place within fifty miles from the above demised premises, and to such person as the party aforesaid of the first part, his heirs, executors, administrators, or assigns, shall from time to time at pleasure appoint or direct to receive the same; the first payment to be made on the first day of May next; which rent is to be paid without any deduction or abatement of or for any manner of taxes, charges, assessments, or impositions whatsoever, that have been, or shall be, taxed, charged, assessed, or imposed upon the hereby demised premises, or any part thereof, or upon the party aforesaid of the second part, his heirs or

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assigns, for or on respect thereof, by any power or authority whatsoever; provided, always, that these presents are upon this condition, that if the yearly rent, or any part thereof, shall be behind and unpaid, or unperformed in any part or in all, by the space of twenty days next after any of the days appointed, or to be appointed as aforesaid, for rendering, paying, or performing the same as aforesaid; or if the party aforesaid of the second part, his heirs or assigns, shall not take possession and improve the farm aforesaid within six months after the date thereof, or leave the possession for the space of six months, or shall not observe, keep, and perform the several articles, covenants, and agreements in these presents particularly hereafter expressed, on his or their part to be observed, kept, and performed, that then, and in any or either of these cases, these presents, and the estate by these premises demised or intended to be demised, are to be void, determine, and cease; and thereupon it shall and may be lawful to and for the party of the first part, his heirs and assigns, into the said farm, land, and premises, or in any part in the name of the whole, to re-enter, and have again, retain, repossess, and enjoy, as in his or their first former estate; and also in case of the party aforesaid of the second part, his heirs or assigns, or any of them, be minded and desirous hereafter to dispose of the said farm, or any part thereof, with the appurtenances, the orchards, fruit trees, nurseries, dunghill, which shall be deemed parcel of the said farm, that then the party aforesaid of the second part, his heirs or assigns, shall not, nor will not, sell or dispose of the same before leave first had and obtained under the hand and seal of the party aforesaid of the first part, his executors, administrators, or assigns; also that the said party of the second *party of the second* part shall and will, from time to time, and all times during the term hereby demised, keep, maintain, and preserve the house, barn, barracks, buildings, fences, and enclosures made, or to be made, and erected on the hereby demised farm, in good and sufficient repair; also that the party aforesaid of the second part, his heirs or assigns, shall in the first year strew apple seed or pomace upon a patch of land on said farm for a nursery, well prepared for that purpose, of at least fifty feet square, to the intent that within six years be planted a regular orchard of one hundred apple trees at least, at thirty-six feet asunder, and as many of them as may happen to die others in their stead to be replaced, so that the number of one hundred like trees at least, be complete and planted out, and enclosed with a good fence for their safety; also that the party aforesaid of the second part, his heirs or assigns, shall not by, or shall the party aforesaid of the second part, his heirs or assigns, take in or join any other person or persons in conjunction, to farm on shares or cropping; and also that the party aforesaid of the second part, his executors, administrators, or assigns, shall from time to time hereafter be subject to all reasonable owners as regulating fences, laying out paths and roads, and to amend and repair the same, when necessarily devised by the party aforesaid of the first part; and this lease is upon the express condition that the aforesaid

land, before it shall be sold by said lessee, his heirs or assigns, shall be fixed at the price he or they mean to take, and the first offer thereof, at the said price, shall be made to the said lessor, his heirs or assigns; and also when mortgaged, or sold, or underlet, or in any way disposed of, otherwise than by will or descent, that the person so taking the same shall take a new lease from the said lessor, his heirs or assigns, subject to the same rents, covenants, and conditions contained in this lease, and shall pay money, which shall be considered as a condition binding the land, and for a breach of which the said lessor, his heirs or assigns, may re-enter and recover the said land as if no lease had been granted.

In witness whereof the parties to these presents have interchangeably set their hands and seals the day and year first above written.

ROBERT L. LIVINGSTON, [SEAL.]
NEAL BENSON. [SEAL.]

Sealed and delivered in the presence of—

"Underlet" interlined before delivery.

JEREMIAH GALE.

Also a certain other lease, dated May 1st, 1837, which was as follows:

This indenture, made the first day of May, in the year of our Lord one thousand eight hundred and thirty-seven, between Robert L. Livingston, of Clemont, of the first part, and Neal Benson, of Neversink, of the second part, witnesseth: That the party aforesaid of the first part, for and in consideration of the rents and covenants hereinafter mentioned, which, on the part and behalf of the party aforesaid of the second part, are to be paid, done, observed, performed, fulfilled, and kept, hath demised, bargained, enfeoffed, set and to farm let, and by these presents doth demise, set and to farm let, unto the party aforesaid of the second part, his heirs and assigns, all that certain parcel of land lying in town of Neversink, county of Sullivan, in Great lot No. 4, in the Hardenburgh patent, beginning at the southwest corner of the lot on the turnpike, and runs north 27 chains to a stump and stones round it; then north 25° east, 17 chains 50 links, to lot No. 5; then along the line between Great lots No. 4 and 5 to the corner of Neal Benson's old lot; then south 25° west, 35 chains 50 links, to the turnpike; then north 59° west, 10 chains along the turnpike; then south 70° 15′ west, along the turnpike to the place of beginning, containing eighty-six acres of land.

Surveyed by Wm. H. Grant, April, 1835.

Together with all and singular the trees, woods, and underwoods, to be made use of on the premises and no where else; saving and always reserving to the party of the first part, his heirs and assigns for ever, all creeks, streams, and runs of water, and all mines, minerals, ores, and metals of every nature and kind, upon or within the farm hereby demised, standing, being, or to be found, with free and full in-

gress, egress, regress, and power and liberty at all times to search, dig, and carry away the same, or to manufacture the same thereupon, and for that purpose to make and erect mills, dams, and other buildings, and also to take and use all such timber, fire wood, stone, and other materials as may be found in any part of the said demised farm, proper and necessary for his and their use. *But it is hereby provided, that for so much of the said demised farm proper and necessary for his and there use.* But it is hereby provided, that for so much of the said demised farm as shall by these means become encumbered or rendered useless to the party of the second part, there shall be deducted out of the yearly rent by these presents reserved, a reasonable abatement in proportion to the whole quantity of the said hereby demised farm, during the time that any part may be so encumbered or rendered useless. To have and to hold the said farm, land, and premises herein before demised, (saving, reserving, and excepting as aforesaid,) unto the party aforesaid of the second part, his executors, administrators, and assigns, for and during the full period of twenty-one years, or the the lives of the said Neal Benson and Phœbe, his wife, aged about thirty-six years, and John, their son, aged twelve years, from the day before the date of these presents, to the proper use, benefit, and behoof of the party aforesaid of the second part, his executors, administrators, and assigns, yielding and paying therefor, during the continuance of this present lease, yearly and every year, unto the party aforesaid of the first part, his heirs or assigns, the yearly rent of four fat hens and one day's labor, with a wagon, sled or plough, together with a yoke of oxen or pair of horses, and a driver, at such time and place, within ten miles, as the party of the first part, his heirs or assigns, shall require; and the first two years one shilling per acre per annum, the next five years at one shilling and six pence per annum, and ever after, and during the continuance of this lease, seventeen $\frac{1}{6}\frac{2}{0}$ bushels of good, sweet, merchantable winter wheat, for the above demised premises, to be delivered and paid by the party aforesaid of the second part, his heirs or assigns, on the first day of every month of May, yearly, at such storehouse, or place within fifty miles from the above demised premises, and to such person as the party aforesaid of the first part, his heirs, executors, administrators, or assigns shall, from time to time, at pleasure appoint or direct to receive the same; the first payment to be made on the first day of May, one thousand eight hundred and thirty-eight; which rent is to be paid without any deduction or abatement of or for any manner of taxes, charges, assessments, or impositions whatsoever that have been or shall be taxed, charged, assessed, or imposed upon the hereby demised premises, or any part thereof, or upon the party aforesaid of the second part, his heirs or assigns, for or in respect thereof by any power or authority whatsoever: Provided always, and these presents are upon this condition, that if the said yearly rent, or any part thereof, shall be behind and unpaid, or unperformed in any part, or in all, by the space of twenty days next after any of the days appointed as aforesaid for rendering payment or performing the same

as aforesaid, or if the party aforesaid of the second part, his heirs or assigns, shall not take possession and improve the farm aforesaid within six months after the date hereof, or leave the possession for the space of six months, or shall not observe, keep, and perform the several other articles, covenants, and agreements in these presents particularly hereinafter expressed on his or their part to be observed, kept, and performed, that then, and in any or either of these cases, these presents, and the estate by these presents demised or interested to be demised, shall be void, determine, and cease. And thereupon it shall and may be lawful, to and for the party of the first part, his heirs and assigns, into the said farm, land and premises, or into any part in the name of the whole, to re-enter, and the same to have again, retain, repossess and enjoy, as in his or their first and former estate; and also in case the party aforesaid of the second part, his heirs, executors, administrators or assigns, or any of them, shall be minded and desirous hereafter to dispose of the said farm, or any part thereof, or to underlet the same with the appurtenances, the orchards, fruit trees, new series or dunghill, which shall be deemed parcel of the said farm, that then the party aforesaid of the second part, his heirs or assigns, shall not nor will sell or dispose of, or underlet, convey, transfer, assign or mortgage, the said farm and demised premises, or any part or parts thereof, or any right, estate, or interest whatever in the said hereby granted term and *and* demised premises, or any part or parts thereof, either for the whole term aforesaid, or for any greater or less time, or for any term or terms, or period of time whatever, before leave first had and obtained under the hand and seal of the parts of the first part, his heirs or assigns; it being hereby expressly declared and agreed, that this claim, covenant or condition, in restraint of alienation, without leave as aforesaid, shall extend to, and be binding on, each and every person and persons claiming, succeeding to, or acquiring, by, from, through, or under this present demise, any right, estate, or interest in or to the said term and demised premises, or any part or parts thereof, by act of law, or purchase, or otherwise, during the continuance of the term hereby granted; and that leave once or oftener given shall not be deemed a dispensation of the said condition in respect of any subsequent claimant or owner of the said term or demised premises, or of any part or parts thereof, or of any right or interest therein.

Also, that the said party of the second part shall and will, from time to time, and at all times during the term hereby demised, keep, maintain, and preserve the house, barn, barracks, buildings, fences, and enclosures, made or to be made and erected on the hereby demised farm, in good and sufficient repair. Also, that the party aforesaid of the second part, his heirs or assigns, shall, in the first year, strew apple seed or pomace upon a patch of land on said farm for a nursery, well prepared for that purpose, of at least fifty feet square, to the intent that within six years be planted a regular orchard of one hundred apple trees, at least at thirty-six feet asunder, and as many of them as may happen to die, others in their stead to be replaced, so that the number

of one hundred like trees be complete and planted out and enclosed with a good fence for their safety. Also, that the party aforesaid of the second part, his heirs or assigns, shall not, by themselves or procurement, peel any bark for tanners' use off or from any tree standing or lying down on said farm, or by his [or] their privity, suffer any wood to be disposed of or burnt into coals for furnace, forge, or bloomery use, or into ashes for any potash work; nor shall the party aforesaid of the second part, his heirs or assigns, take in or form any other person or persons in conjunction, to farm on shares or cropping; and also that the party aforesaid of the second part, his executors, administrators, and assigns, shall, from time to time hereafter, be subject to all reasonable orders, as regulating fences, laying out paths and roads, and to amend and repair the same, when necessarily devised by the party aforesaid of the first part.

And it is hereby further declared and agreed, and these presents are upon this further and express condition, that the said party of the second part, his heirs, executors, administrators, and assigns, and all and every person and persons whomsoever, claiming or having any estate, right, or interest in the hereby granted term and demised premises, or any part thereof, shall—before he or they shall sell, transfer, convey, assign, underlet, or dispose of the said demised premises, or any part thereof, or any right, estate, or interest therein, or in any part or parts thereof, for any term or time whatever—fix the price at which he or they mean to dispose thereof, and make the first offer thereof to the said party of the first part, his heirs or assigns, at such price. And also that whenever the whole of the said term shall be sold, underlet, or mortgaged, or in any way disposed of, otherwise than by will or descent, that the person so taking the same shall take a new lease for the unexpired residue of said term from the said party of the first part, his heirs or assigns, subject to the same rents, covenants, and conditions contained in this lease, together with a new covenant and condition in all things similar to this; it being declared to be the intention hereof that this lease be renewed upon every sale, assignment, or underletting, as long as the term hereby granted shall continue. And further, that upon every sale, transfer, assignment, underletting, mortgage, or other disposition of the said term and demised premises, or any part or parts thereof, or any estate, right, or interest therein, or in any part or parts thereof which shall at any time during the continuance of the term hereby granted, be made by the said party of the second part, his heirs, executors, administrators, or assigns, or any other person or persons claiming, devising, or acquiring any estate, right, title, or interest in or to the said hereby granted term and demised premises, or any part thereof, in any manner howsoever, by, from, under, through, or in virtue of this present demise, the person or persons to whom such sale, transfer, assignment, underletting, mortgage, or other disposition shall be made, shall at the time thereof pay to the said party of the first part, his heirs or assigns, one full equal sixth part of the whole consideration moneys or value agreed to be given or paid on such sale, transfer, as-

signment, underletting, mortgage, or other disposition as aforesaid, be the same for a greater or less length of time, or for the whole or any part or parts of the said hereby granted term or demised premises, which shall be considered as a condition binding the land, as also all other covenants and conditions herein contained, and for a breach of any of which the said party of the first part, his heirs or assigns, may re-enter and recover the said lands as if no lease had been granted.

In witness whereof the parties to these presents have hereunto interchangeably set their hands and seals, the day and year first herein before written.

ROBERT L. LIVINGSTON, [L. S.]
NEAL BENSON. [L. S.]

Sealed and written in the presence of—
R. D. CHILDS.

The plaintiff then called as a witness Richard D. Childs, who being sworn, testified: I have lived at Neversink, Sullivan county, since the year 1816. I am acquainted with defendant; I know the premises described in the leases which have been read. I was the agent of Robert L. Livingston in the year 1837; defendant is in possession of the premises described in the leases, and lives on that part of the lands which is contained in the lease dated in 1820. I suppose defendant occupies both parcels of the land. I know nothing to the contrary; he has a saw-mill on that part of the land described in the lease dated in 1837. I was agent for Robert L. Livingston fifteen years; from the year 1832 to the time of his death, which I think was in the year 1843, during which time defendant paid rent to me on those premises. Jeremiah Gale and John Eldridge preceded me in the agency for these lands. The witness being shown a book, says, this is a rent-book, but not the rent-book of Robert L. Livingston. In the year 1844 there was a balance paid of the rent for the year 1843 by the defendant.

This witness being cross examined, testified as follows: I live about two miles from the premises in question. Defendant is a farmer, and has a saw-mill; the defendant has at all times had horses, cattle, and the ordinary farming stock on the premises in question. I do not know where the boundaries of the old Hardenburgh patent are.

The defendant here admitted, by his counsel, that he had not paid the rent of the said premises for the year 1844, or for any year since that time, but that he had paid up to that time.

Archibald C. Niven, being called as a witness by the plaintiff, testified as follows: I have been the agent of these premises; I succeeded Mr. Childs as agent for Great lot No. 4; there has been no rent paid to me by defendant. On the fifth day of July, 1849, I delivered to the defendant a notice, of which this, now produced by me, is a copy; the witness then read said notice, which was as follows:

To Neal Benson of Neversink, Sull. co., N. Y.

You are hereby required to deliver to James Schott, jr., and Mar-

garet, his wife, the wheat due as rent from you to them under and by virtue of two separate demises by lease, the one of which is dated the first of May, 1820, for thirty-four acres in Great lot No. 4, Hardenburgh patent, executed by Robert L. Livingston of the first part, and yourself of the second part, on which there is claimed to be due six $\frac{11}{60}$ bushels of wheat for each and every year, beginning on the first of May, 1844, and ending on the first of May, 1849; the other of which lease is dated the first day of May, 1837, for eighty-six acres of land, in said Great lot No. 4, executed by the same parties, on which there is claimed to be due seventeen $\frac{11}{60}$ bushels of wheat for each and every year, beginning on the first of May, 1844, and ending on the first of May, 1849. The said James Schott, jr., and Margaret, his wife, are now the owners of said premises, and entitled to receive the said rents; the evidence of which ownership will be submitted to you by application to A. C. Niven, their attorney, at Monticello, N. Y., if required. The place appointed for the delivery of the said wheat is the grist mill of Eli Fairchild, at or near Monticello, Sullivan county; and if the said wheat is not delivered within the time fixed in said respective leases, the said owners intend to re-enter as provided by law.

Dated July 3d, 1849. JAMES SCHOTT, Jr., and
MARGARET SCHOTT,
By A. C. NIVEN, *their attorney.*

The power of attorney authorizing me to act in this matter may be seen by application to me. A. C. NIVEN.

The witness being cross examined testified: Robert L. Livingston is dead. I have always understood that the plaintiff, Mrs. Schott, was the grand-daugher of Mrs. Livingston. I have understood from the plaintiff, James Schott, junior, that Robert L. Livingston left a will; the amount of rent due from the defendant is $110.

George Billings, being called by the plaintiffs and sworn, testified as follows: I reside in the town of Monticello, and have lived there since July, 1849; my business is tending a grist mill, Fairchild's mill; neither the defendant, nor any one for him, have delivered any wheat at that mill for rent since July, 1849.

The plaintiff's counsel then proved a deed from Robert L. Livingston and Margaret, his wife, to William Slosson, for a tract of land comprehending the premises in question, dated the 11th day of June, 1817; also a deed from said William Slosson to said Robert L. Livingston, dated the same day last mentioned, for a tract of land embraces the premises in question, conveying the said premises to said Robert L. Livingston, in trust to such use as might thereafter be declared limited or appointed by the [said] Robert L. Livingston and his wife Margaret, by writing under their hands and seals; the plaintiffs also proved declarations of uses by the said Robert L. Livingston, and his said wife, dated the 14th day of June, 1817, by which the premises in question were declared limited and appointed to Cornelia Louisiana Livingston, their daughter, after the death of said Robert L. Livingston and his said wife.

Schuyler Livingston, being called by the plaintiffs and sworn, testified as follows: Cornelia Louisiana Livingston, the daughter of Robert L. Livingston and Margaret, his wife, intermarried with Commodore Charles G. Ridgley, and afterwards died, leaving three children of that marriage. Margaret M. Schott, one of the plaintiffs, Mrs. Croghan, the wife of St. George Croghan, and Miss Elizabeth Ridgeley; Commodore Charles G. Ridgeley is also dead; it was admitted by the defendant, that the said Robert L. Livingston and his said wife were both dead.

The plaintiff then proved the partition deed from St. George Croghan and his wife, and Elizabeth Ridgley, to Margaret M. Schott, one of the plaintiffs, dated the 9th day of June, 1849, conveying and releasing the premises in question with other lands.

The plaintiffs then recalled Richard E. Childs, who further testified, that the premises in question are contained in the said partition deed; that the plaintiffs lived in the State of Pennsylvania when this suit was commenced, and continue to live there; that the premises in question are worth twelve hundred dollars.

The plaintiffs then rested their case.

The defendant, by his counsel, then and there moved the said court for judgment of nonsuit, on the ground that no title had been shown by the plaintiffs in Robert L. Livingston of the premises in question, from whom the plaintiffs claimed to derive title, and upon the ground that there was at all times sufficient property of the defendant upon the premises in question for the payment of the rent. The defendant also contended, that said partition deed, from said St. George Croghan and wife and Elizabeth Ridgeley, was inoperative, and that the plaintiffs could not recover for the two-thirds of the premises in question conveyed by said last mentioned deed.

The court denied the motion for a nonsuit, and decided that the plaintiffs were entitled to recover the whole premises; to which decision the counsel for the defendant then and there excepted.

The counsel of the defendant then offered to prove that said Robert L. Livingston had no title to the premises in question, at the time of the execution of the above mentioned leases, and that he obtained the execution of said leases by the defendant by unfounded and fraudulent pretensions that he was the true and rightful owner of said premises.

The court thereupon decided and ruled, that the testimony so offered by the defendant was inadmissible; to which decision and ruling the counsel for the defendant then and there excepted.

The said issue was then submitted to the jury, and they found a verdict for the plaintiffs for the whole of the said premises claimed by them as aforesaid.

And because none of the said exceptions, so offered and made to the opinion and decision of the said judge, before whom the said cause was tried, do appear upon the record of the said trial, therefore, on the prayer of the said defendant, by his counsel, the said judge hath to this bill of exceptions put his seal, according to the statute in *each* case made and provided, this sixteenth day of May, in the year one thousand eight hundred and fifty-one. S. NELSON. [SEAL.]

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Sec 36
Signs of lead ore
Survey No 2066
Pierre Choutian under Chl Fayon
70.56 aspens
6002 50/100 acres
Survey No 3039
Survey No 3006
Decision No 294
Joseph Papin
Decision No 9
Old Mine Tract Reservation
confirmed to 10648.06 acres

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Survey No 20.66
Prime Chouteau under Chl Fayon
70.56 Arpens
6002 50/100 acres
Old Mine Tract Reservation
Signs of lead ore
Joseph Papin
John Smith
Thomas Madden 4000 arpens = 3402.80 acres

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Moses Austin
7153.32 arpens or 6085.29 acres
Joseph Papin
Mine of Liberty
Mine Almon
St. Vrain
Old Mine Tract Reservation
Signs of lead ore
Signs of ore and mineral
Tlossom &c
Survey No 3006
Survey No 3039
Survey No 3040
Survey No 4300
Moses Austin
Joseph Papin
Joseph Blote
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Moses Austin

7153.32 arpens or 6085.29 acres

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Moses Austin
7193.32 arpents or 6685.27 acres

Joseph Bazile
560 arpents
Mine au Platine

Daries Sham
840 acres

Thomas Rus
640 acres

Survey No 4300
Moses Austin

Survey No 2148

Survey No 2211

Survey No 1888

Survey No 1887

Survey No 1886

Survey No 1885

Survey No 1884

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Survey No 264

Survey No 263

Survey No 262

Survey No 261

Survey No 260

Survey No 259

Survey No 258

Survey No 257

Survey No 256

Survey No 255

Survey No 254

Survey No 253

Survey No 252

Survey No 251

Survey No 250

Survey No 249

Survey No 248

Survey No 247

Survey No 246

Survey No 245

Survey No 244

Survey No 243

Survey No 242

Survey No 241

Survey No 240

Survey No 239

Survey No 238

Survey No 237

Survey No 236

Survey No 235

Survey No 234

Survey No 233

Survey No 232

Survey No 231

Survey No 230

Survey No 229

Survey No 228

Survey No 227

Survey No 226

Survey No 225

Survey No 224

Survey No 223

Survey No 222

Survey No 221

Survey No 220

Survey No 219

Survey No 218

Survey No 217

Survey No 216

Survey No 215

Survey No 214

Survey No 213

Survey No 212

Survey No 211

Survey No 210

Survey No 209

Survey No 208

Survey No 207

Survey No 206

Survey No 205

Survey No 204

Survey No 203

Survey No 202

Survey No 201

Survey No 200

Survey No 199

Survey No 198

Survey No 197

Survey No 196

Survey No 195

Survey No 194

Survey No 193

Survey No 192

Survey No 191

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Survey No 189

Survey No 188

Survey No 187

Survey No 186

Survey No 185

Survey No 184

Survey No 183

Survey No 182

Survey No 181

Survey No 180

Survey No 179

Survey No 178

Survey No 177

Survey No 176

Survey No 175

Survey No 174

Survey No 173

Survey No 172

Survey No 171

Survey No 170

Survey No 169

Survey No 168

Survey No 167

Survey No 166

Survey No 165

Survey No 164

Survey No 163

Survey No 162

Survey No 161

Survey No 160

Survey No 159

Survey No 158

Survey No 157

Survey No 156

Survey No 155

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Survey No 153

Survey No 152

Survey No 151

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Survey No 149

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Survey No 144

Survey No 143

Survey No 142

Survey No 141

Survey No 140

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Survey No 138

Survey No 137

Survey No 136

Survey No 135

Survey No 134

Survey No 133

Survey No 132

Survey No 131

Survey No 130

Survey No 129

Survey No 128

Survey No 127

Survey No 126

Survey No 125

Survey No 124

Survey No 123

Survey No 122

Survey No 121

Survey No 120

Survey No 119

Survey No 118

Survey No 117

Survey No 116

Survey No 115

Survey No 114

Survey No 113

Survey No 112

Survey No 111

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Survey No 109

Survey No 108

Survey No 107

Survey No 106

Survey No 105

Survey No 104

Survey No 103

Survey No 102

Survey No 101

Survey No 100

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Survey No 52

Survey No 51

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Survey No 48

Survey No 47

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Survey No 45

Survey No 44

Survey No 43

Survey No 42

Survey No 41

Survey No 40

Survey No 39

Survey No 38

Survey No 37

Survey No 36

Survey No 35

Survey No 34

Survey No 33

Survey No 32

Survey No 31

Survey No 30

Survey No 29

Survey No 28

Survey No 27

Survey No 26

Survey No 25

Survey No 24

Survey No 23

Survey No 22

Survey No 21

Survey No 20

Survey No 19

Survey No 18

Survey No 17

Survey No 16

Survey No 15

Survey No 14

Survey No 13

Survey No 12

Survey No 11

Survey No 10

Survey No 9

Survey No 8

Survey No 7

Survey No 6

Survey No 5

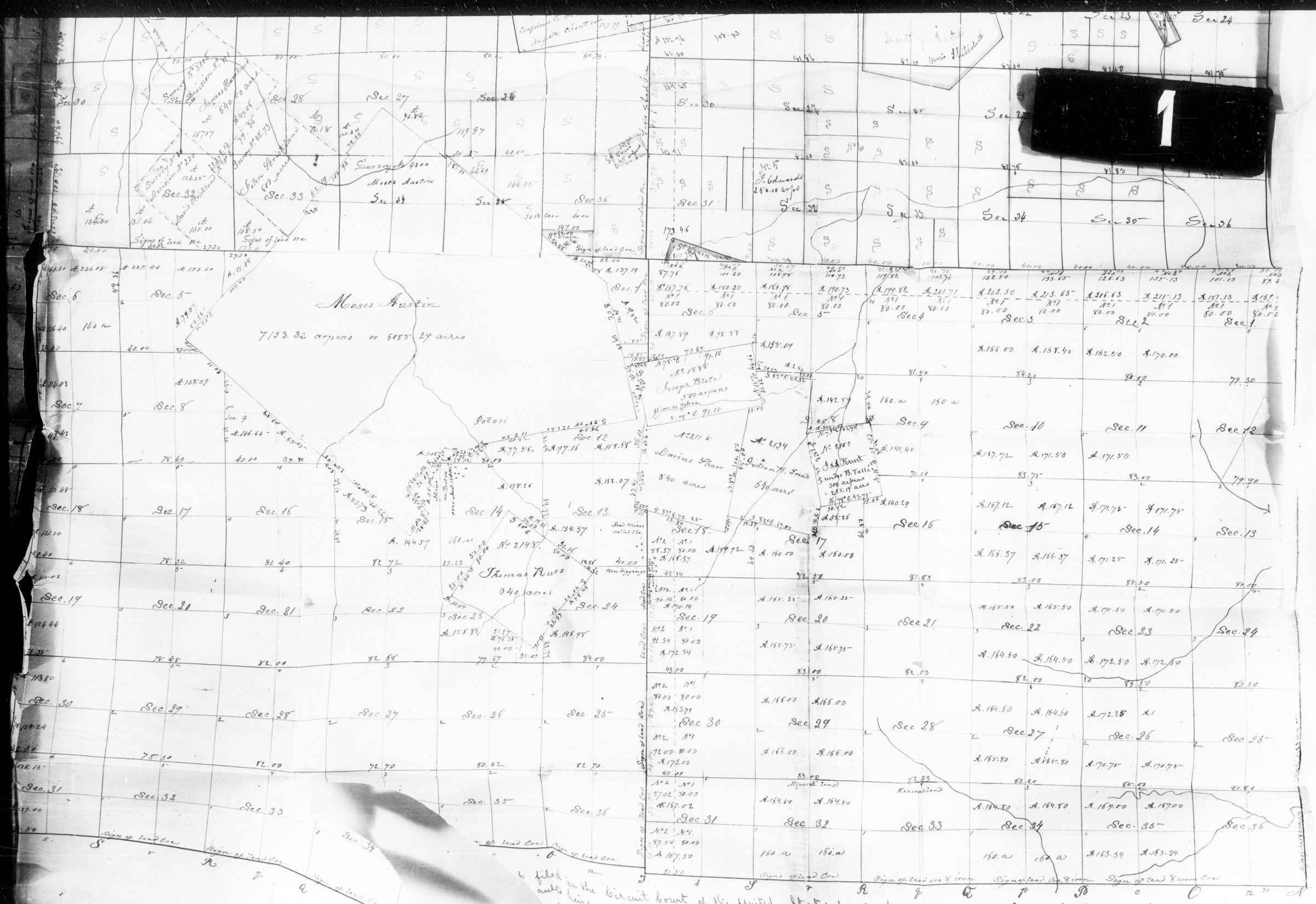
Survey No 4

Survey No 3

Survey No 2

Survey No 1

This is a Copy of the ... filed in the Circuit Court of the ... and his ... against Benjamin ... not for ... Supreme Court of ...



b filed in the Circuit Court of the United States: for the Missouri District
aults heirs against Benjamin Ruggles and is made out to accompany the
out for Supreme Court of United States.

Ben. F. Hickman Clerk
C. C. A. S. Mosly

Scale of 40 chains to an inch.

This is a Copy of the Map
in case Philip Francis Ren
record in said case made

Road to Marcatte.

Horatio Kearny

Road to Middletown Point.

Road to Middletown.

Road to Mark Smith's.

Street.

Road to Matawan.

Road to Freehold.

Road to Shrewsbury.

Road to Long Branch.

Road to Colts Neck.

Road to Tinton Falls.

Road to Eatontown.

Road to Shark River.

Road to Farmingdale.

Road to Squankum.

Road to Manasquan.

Road to Howell.

Road to Wreck Pond.

Road to Squan Village.

Road to Point Pleasant.

Road to Bay Head.

Road to Mantoloking.

Road to Toms River.

Road to Barnegat.

Road to Forked River.

Road to Tuckerton.

Road to Little Egg Harbor.

Road to Absecon.

Road to Pleasantville.

Road to Egg Harbor City.

Road to Hammonton.

Road to Atlantic City.

Road to Somers Point.

Road to Cape May.

Road to Millville.

Road to Bridgeton.

Road to Salem.

Road to Woodbury.

Road to Camden.

Road to Mount Holly.

Road to Burlington.

Road to Trenton.

Road to Princeton.

Road to New Brunswick.

Road to Perth Amboy.

Road to Elizabethtown.

Road to Newark.

Road to Jersey City.

Road to Hoboken.

Road to Bergen.

Road to Paterson.

Road to Hackensack.

Road to Orangetown.

Road to Clarkstown.

Road to Haverstraw.

Road to Stony Point.

Road to Peekskill.

Road to Yorktown.

Road to Somers.

Road to Bedford.

Road to White Plains.

Road to New Rochelle.

Road to Mamaroneck.

Road to Rye.

Road to Port Chester.

Road to Greenwich.

Road to Stamford.

Road to Norwalk.

Road to Fairfield.

Road to Bridgeport.

Road to Stratford.

Road to Milford.

Road to New Haven.

Road to Guilford.

Road to Branford.

Road to Madison.

Road to Killingworth.

Road to Clinton.

Road to Saybrook.

Road to Old Saybrook.

Road to Lyme.

Road to New London.

Road to Groton.

Road to Stonington.

Road to Pawcatuck.

Road to Westerly.

Road to Hopkinton.

Road to Richmond.

Road to Charlestown.

Road to Exeter.

Road to North Kingstown.

Road to Wickford.

Road to Newport.

Road to Portsmouth.

Road to Tiverton.

Road to Little Compton.

Road to Bristol.

Road to Warren.

Road to Barrington.

Road to Providence.

Road to Pawtucket.

Road to Central Falls.

Road to Cumberland.

Road to Woonsocket.

Road to Smithfield.

Road to North Providence.

Road to Johnston.

Road to Scituate.

Road to Foster.

Road to Glocester.

Road to Burrillville.

Road to Putnam.

Road to Thompson.

Road to Pomfret.

Road to Killingly.

Road to Plainfield.

Road to Canterbury.

Road to Windham.

Road to Lebanon.

Road to Columbia.

Road to Hebron.

Road to Marlborough.

Road to Colchester.

Road to East Haddam.

Road to Haddam.

Road to Middletown.

Road to Portland.

Road to Chatham.

Road to Glastonbury.

Road to Hartford.

Road to Wethersfield.

Road to Rocky Hill.

Road to Berlin.

Road to New Britain.

Road to Farmington.

Road to Avon.

Road to Simsbury.

Road to Granby.

Road to Suffield.

Road to Enfield.

Road to Somers.

Road to Stafford.

Road to Tolland.

Road to Willington.

Road to Ellington.

Road to Vernon.

Road to Rockville.

Road to Coventry.

Road to Mansfield.

Road to Windham.

Road to Scotland.

Road to Sprague.

Road to Franklin.

Road to Lisbon.

Road to Preston.

Road to Norwich.

Road to Bozrah.

Road to Montville.

Road to New London.

Road to Waterford.

Road to East Lyme.

Road to Old Lyme.

Road to Saybrook.

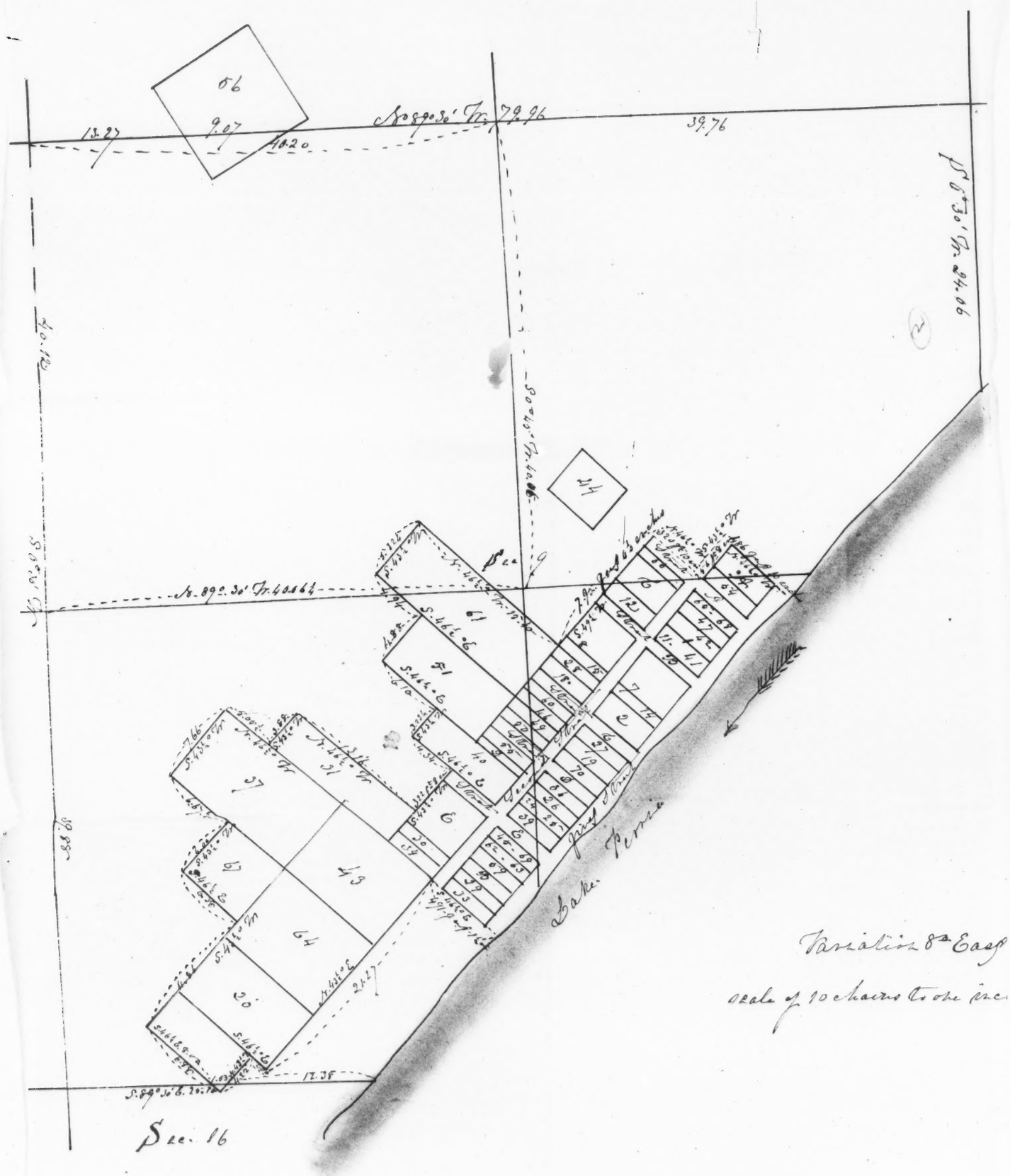
Road to Essex.

Road to Deep River.

Road to Chester

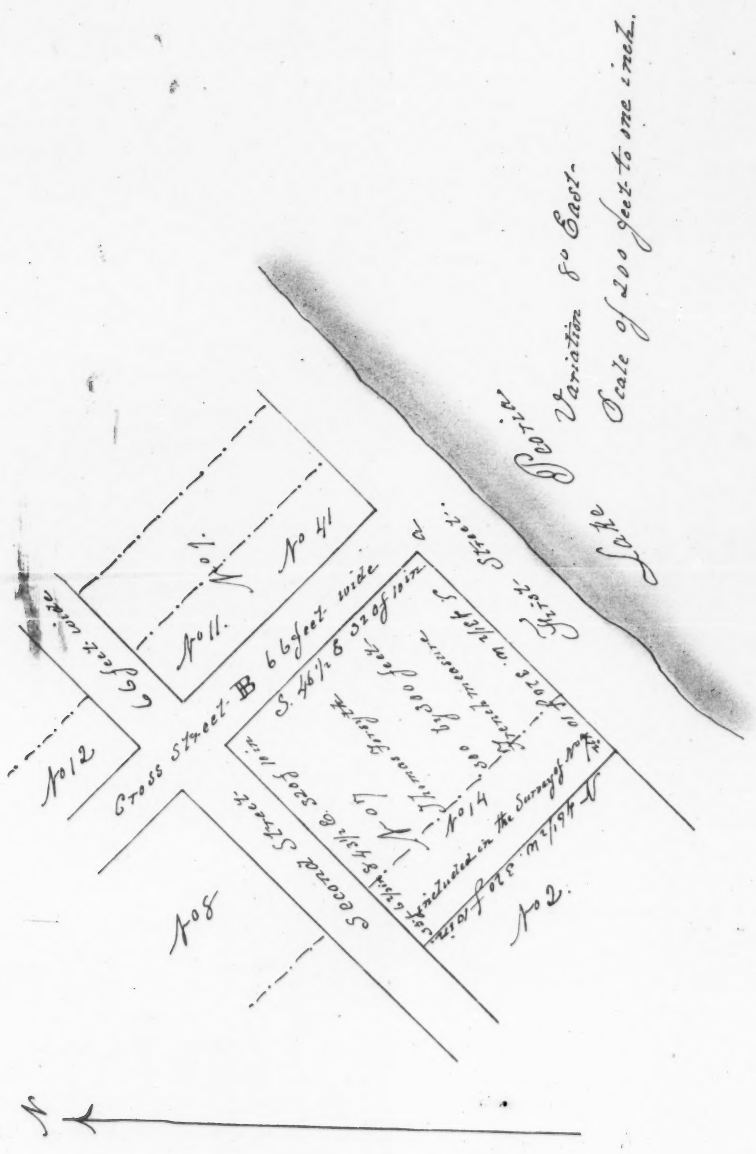
No 120 Forsyth vs Reynolds et al pa

Hudson Street (O. B.)
N. 42½ W.
N. 42½ W. 171 feet.
French Claim No. 14
Jaques Mettee
Water Street
Half of Block 37
Alley
Illinois River
Block 50
Forsyth's
Claim included in the red lines
No. 7.
Reynolds and McClure
S. 42½ E. 171 feet.
Harrison Street

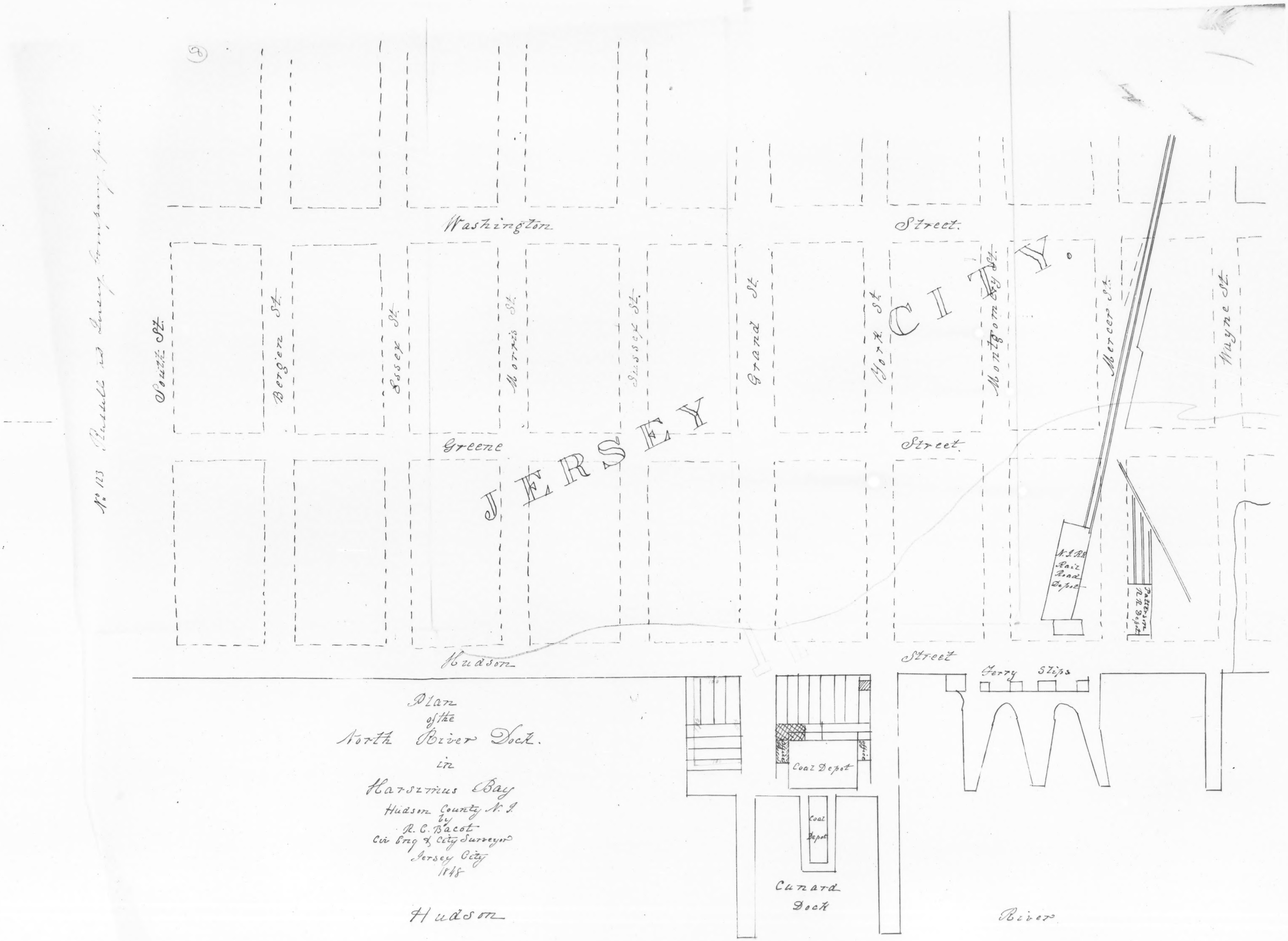


56
9.07
13.27
40.20
N 89° 30' W. 79.96
39.76
S 6° 30' W. 24.06
40.12
S 0° 45' W. 40.06
24
Sec. 9
N 89° 30' W. 40.06½
61
51
37
31
67
43
64
20
Lake Ferrie
Sec. 16
Variation 8° East
scale of 10 chains to one inc.

No 120 Forsyth vs Reynolds par 183.



Second Street
Water Street
First Street
Illinois River
in French Village
Ferry Street
Second St.
Second Street
Ferry Street
Ferry Street
Second Street
Ferry Street
Ferry Street
Ferry



Plan of the North River Dock. in Harsimus Bay Hudson County N.J. by R. C. Bacot Civ Eng & City Surveyor Jersey City 1848

No 128 Foley vs

T.10.S.R.13.E. S.E. District Lds

T.10.S.R.13E

Road to B. Record

Road to B. Diebold

Christopher Adams

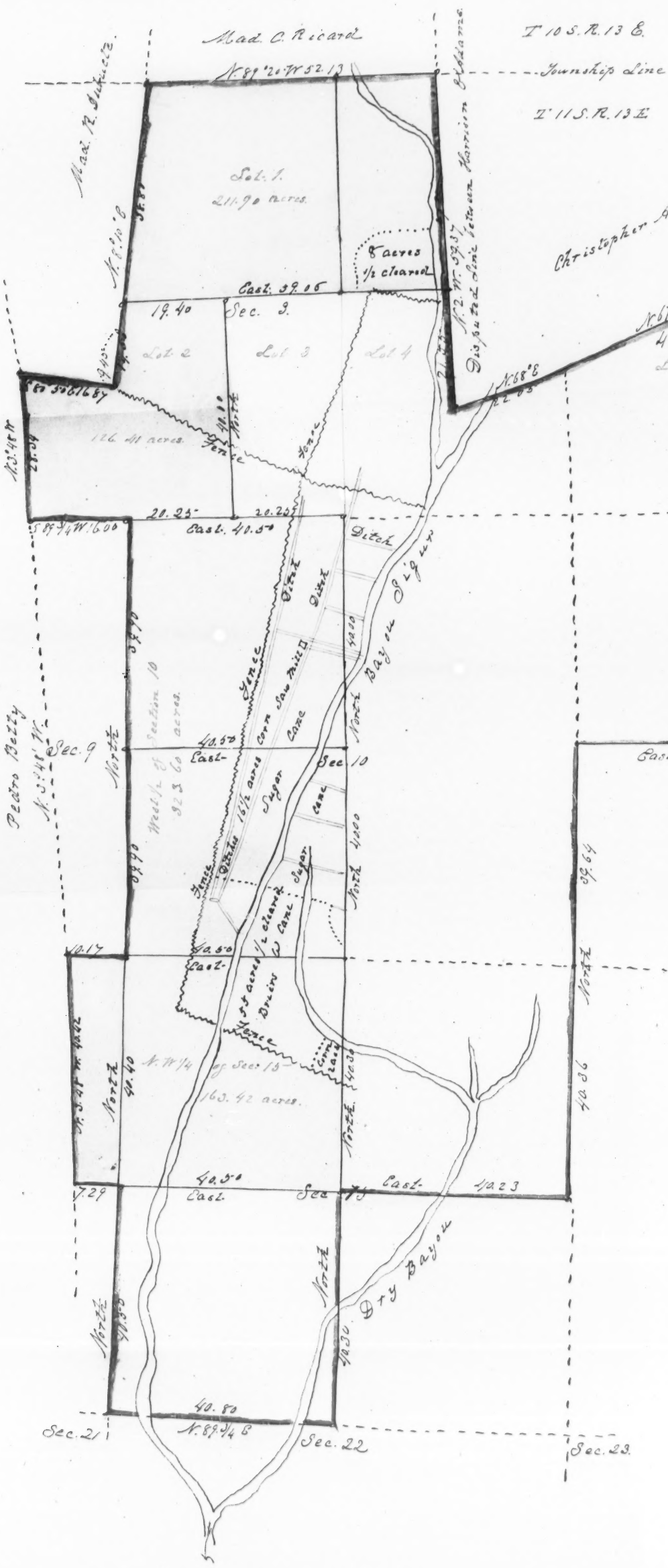
Beds Bayou

Plat of Survey
made pursuant to
An Order from the 5th District Court of New Orleans
In suit of
Arthur No. Foley vs. S. T. Harrison
No. 420

N.B. The lines shaded red upon this plat show the land in Dispute

Silas Taylor
U.S. Dep. Surveyor

South Eastern Land District La



Scale of 20 Chains to an Inch

N. B { True Variation of Needle 7°55' East-
Variation adopted, so that the original courses accord with the old lines 7°30' East.

Plat of Survey.

By order of 5th District Court New Orleans
In Suit No 425.

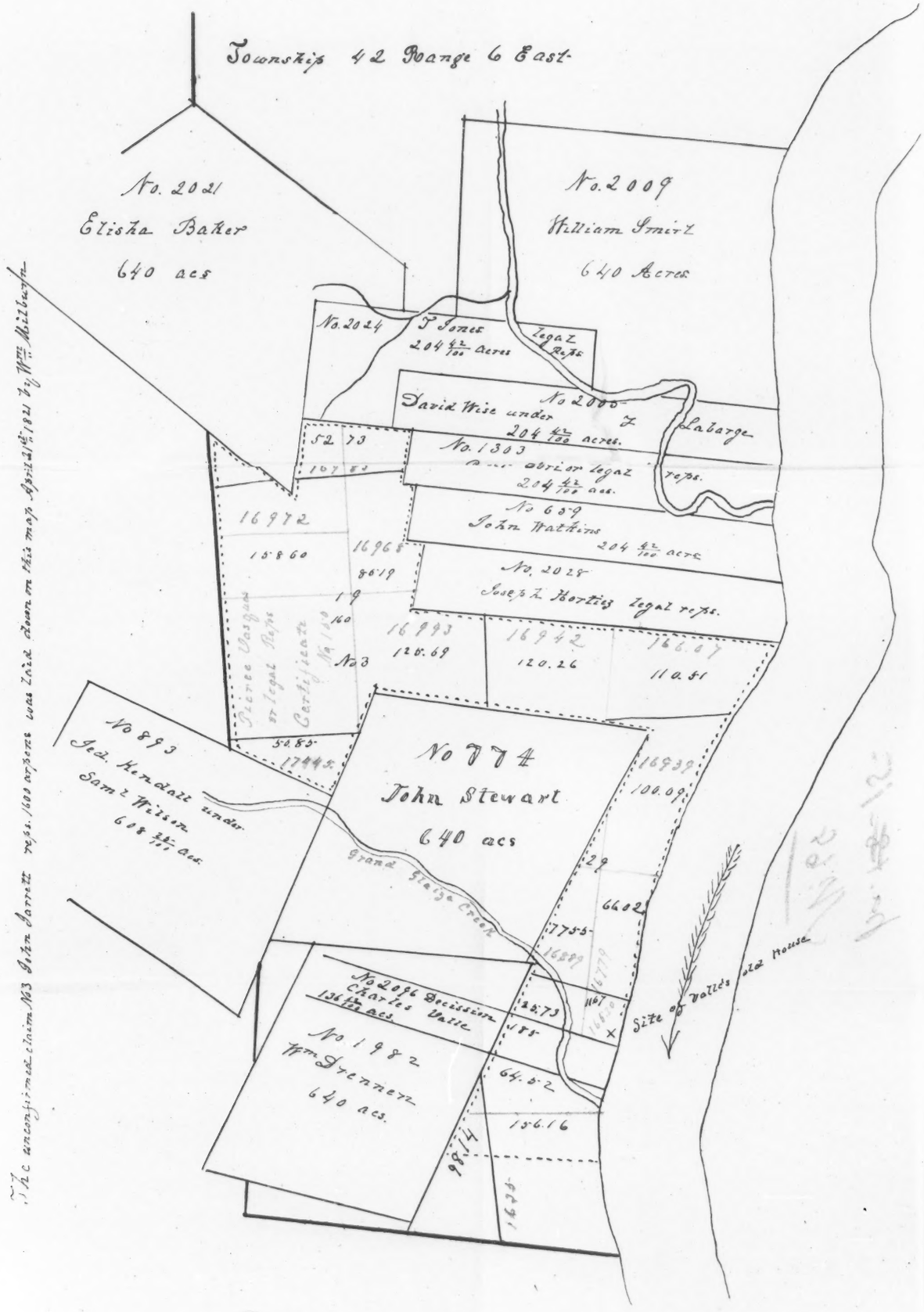
Arthur M. Foley vs. S. T. Harrison

Baton Rouge La June 7th 1847

William G. Wattez
Surveyor & Civil Engineer
Baton Rouge La

No. 136 – Burgess vs Gray & al pa. 18 —

18 –



The unconfirmed claim No 3 John Garrett reps. 1600 arpens was laid down on this map April 21st 1821 by Wm Milburn

Township 14 Range 12 & part of 14. S. 13 E.

(4)

Note. This is a copy of the map referred to on the foregoing Interrogatories. J. W. Gurley, C.L.R.U.S. C.C.
By W. Cornelius Dep. Clk.

Bayou Dorcoz

Bayou Dorcoz

Mouth

Bayou

Ezekiel Low

107 75/100 acres Ezra Steel 6.

168 38/100 acres Abner Steel 7

164 60/100 acres J. Perkins 8

165 95/100 acres Budd 9

161 11/100 acres J Perkins 10

Steel

15

18

17

5

26

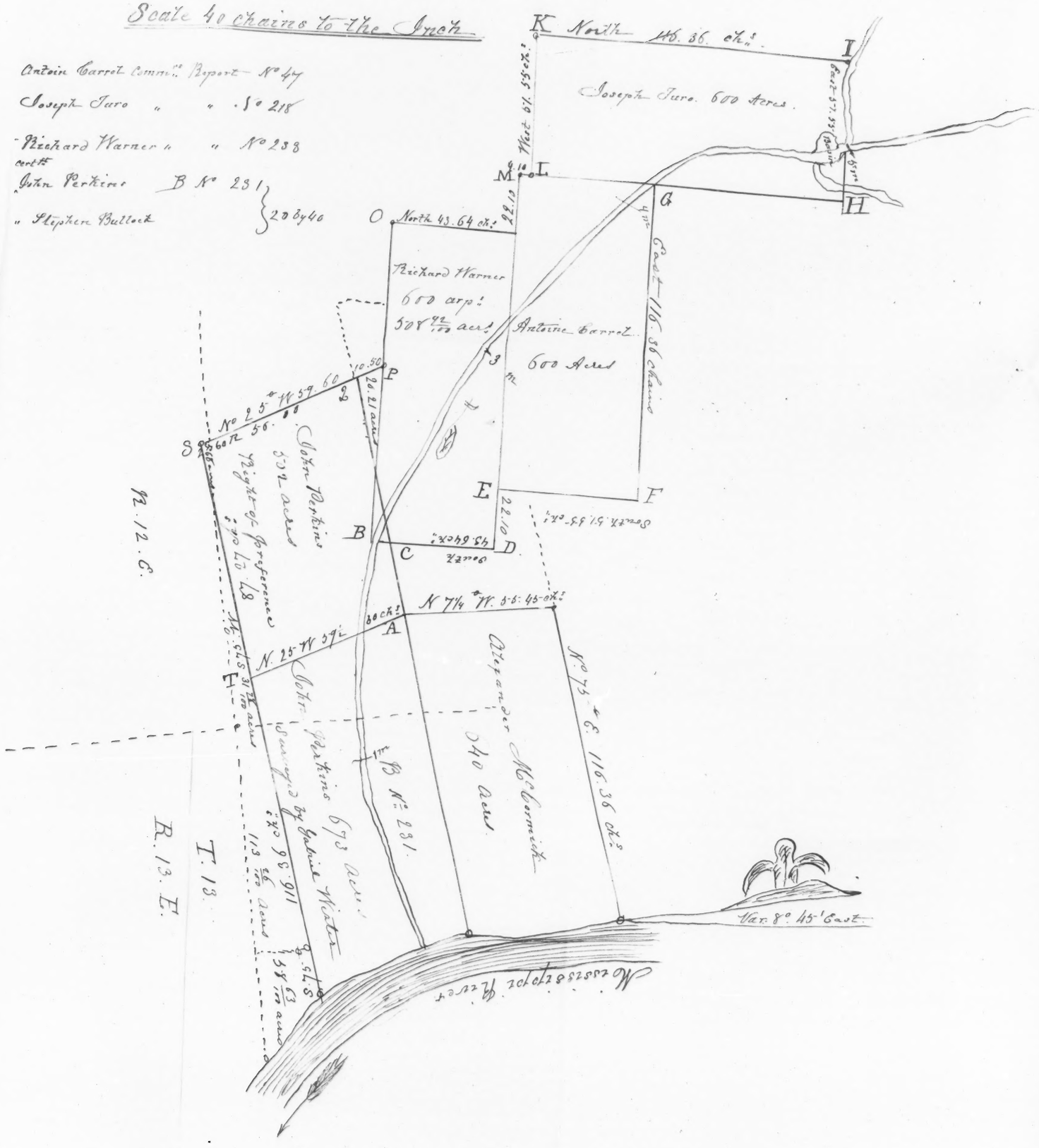
Little Bayou

Bayou Dorcoz

Bayou Dorcoz

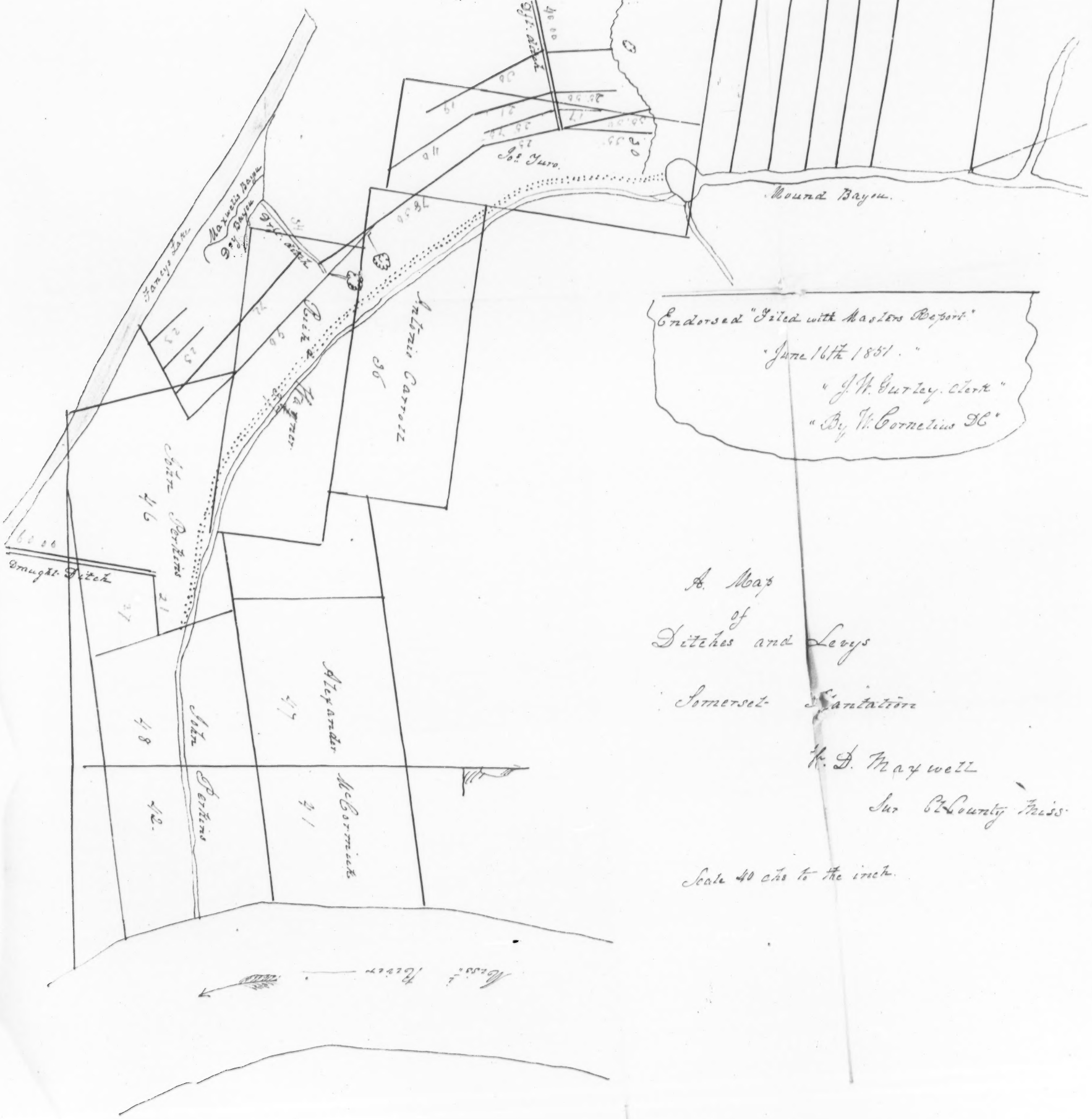
Bayou Dorcoz

No. 139. pa: 106. Fourniquet vs Perkins.

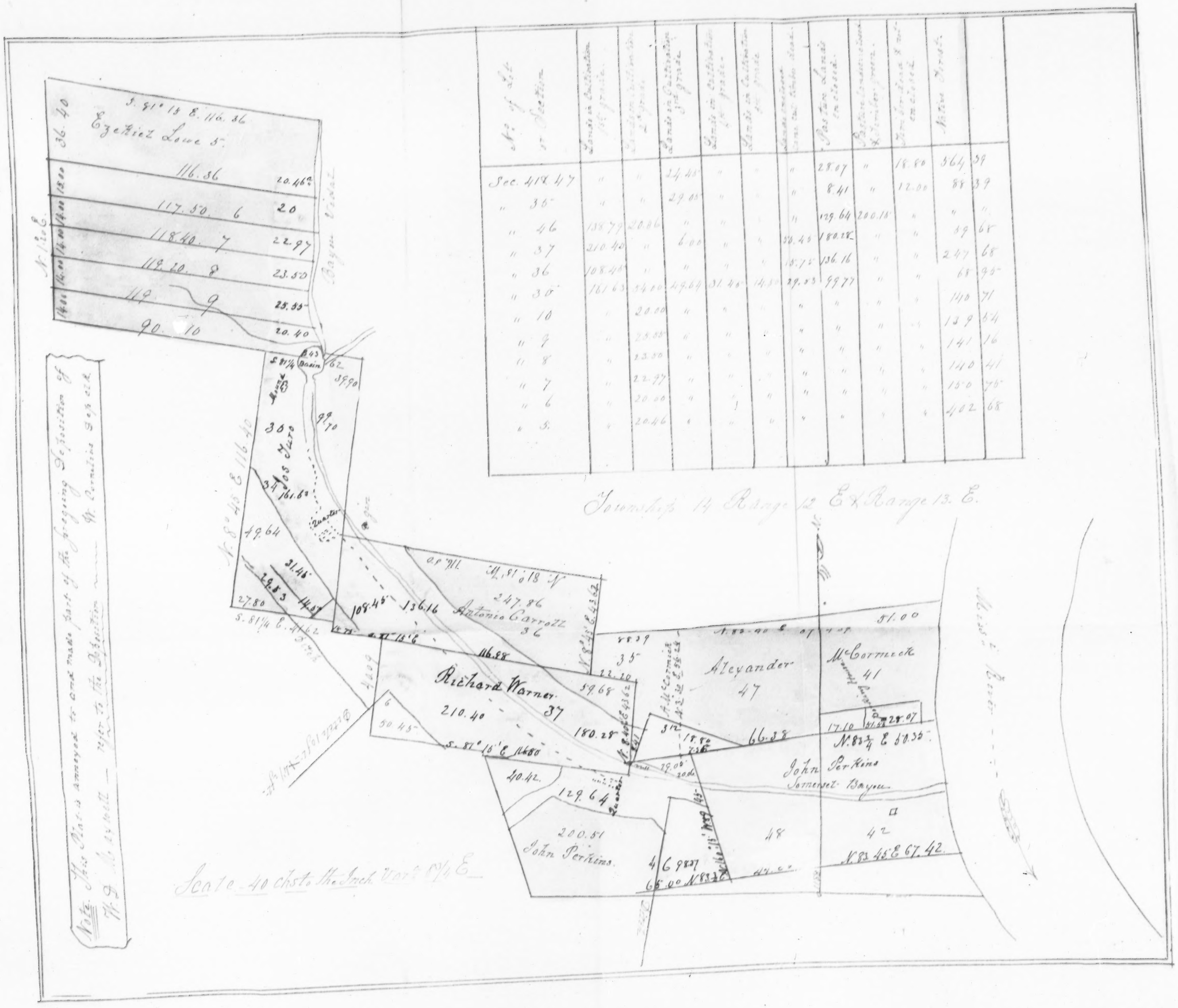


Township 14 Range 13 E part of 14 N 13 E.

14

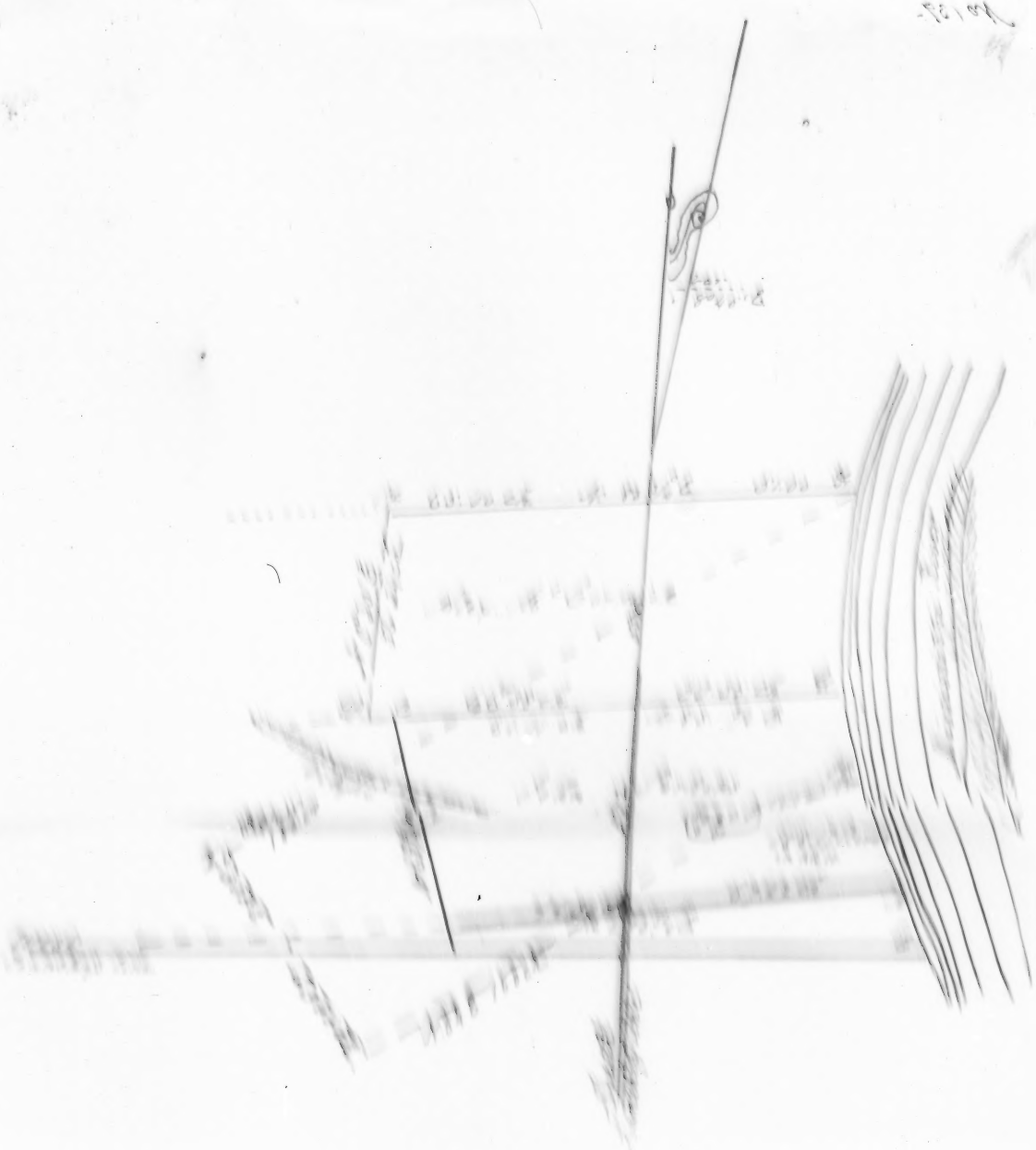

Mouth Bayou.
Lot Yuco.
Alexander
McCormicks
Peters
Peters
Peters
Drought Ditch
Endorsed "Filed with Masters Report"
"June 16th 1851."
"J. W. Gurley. Clerk."
"By W. Cornelius DC"
A Map
of
Ditches and Levys
Somerset Plantation
H. D. Maxwell
Sur & County Miss.
Scale 40 chs to the inch.

15



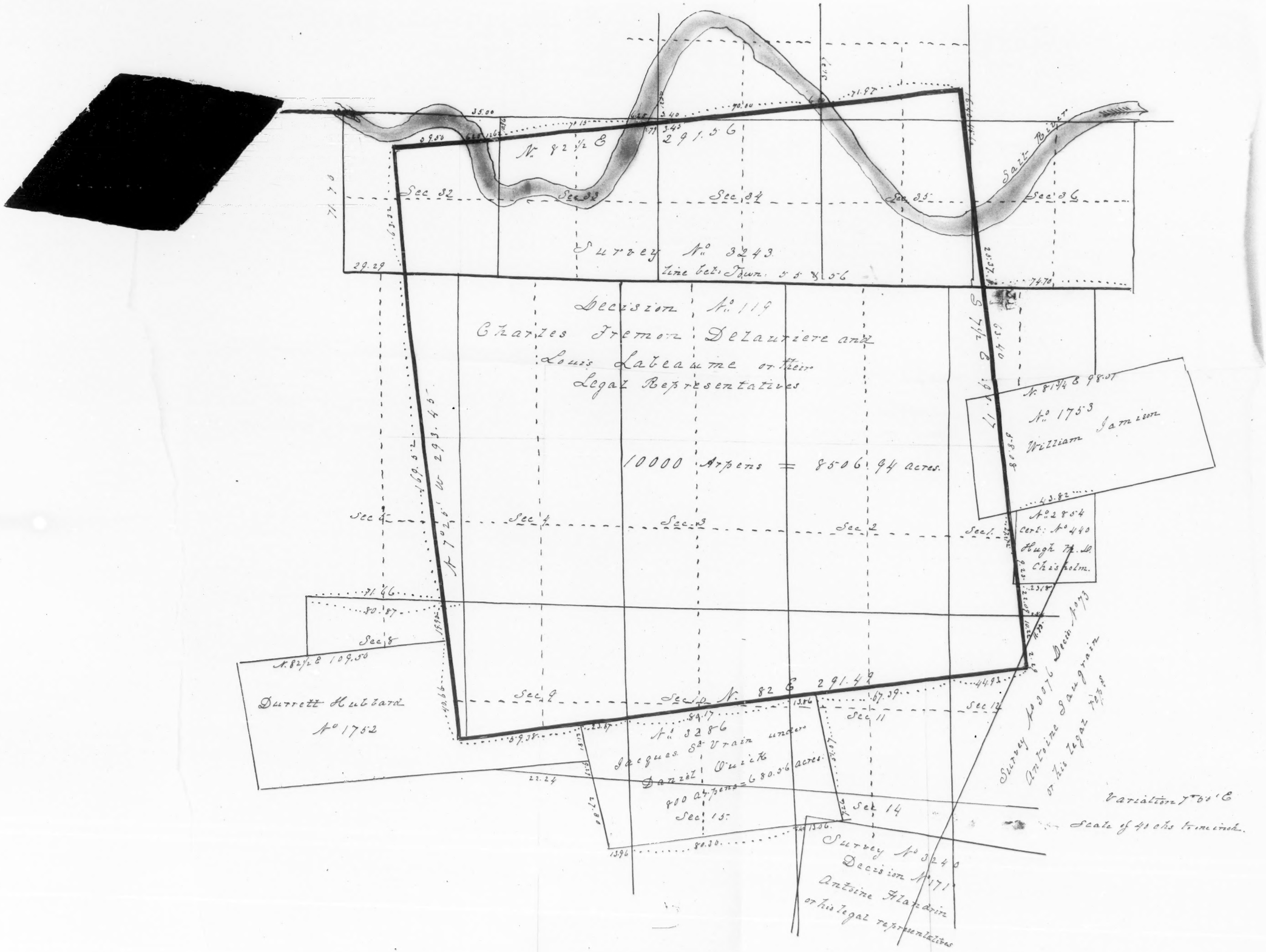
No. of Lot or Section	Lands in Cultivation 1st grade	Lands in Cultivation 2d grade	Lands in Cultivation 3rd grade	Lands in Cultivation 4th grade	Lands in Cultivation 5th grade	Lands enclosed cane cut timber dead	Pasture Lands enclosed	Pasture Lands enclosed & timber green	Timber dead & not enclosed	Native Forest	
Sec. 41 & 47	"	"	24.45	"	"	"	28.07	"	18.80	564	39
" 35	"	"	29.05	"	"	"	8.41	"	12.00	88	39
" 46	138.79	20.06	"	"	"	"	129.64	200.15	"	"	"
" 37	210.40	"	6.00	"	"	50.45	180.28	"	"	59	68
" 36	108.45	"	"	"	"	15.75	136.16	"	"	247	68
" 30	161.63	54.00	49.64	31.45	14.50	29.53	99.77	"	"	68	95
" 10	"	20.00	"	"	"	"	"	"	"	140	71
" 9	"	25.55	"	"	"	"	"	"	"	139	54
" 8	"	23.50	"	"	"	"	"	"	"	141	16
" 7	"	22.97	"	"	"	"	"	"	"	140	41
" 6	"	20.00	"	"	"	"	"	"	"	150	75
" 5	"	20.46	"	"	"	"	"	"	"	402	68

No 139 Four-niquet.

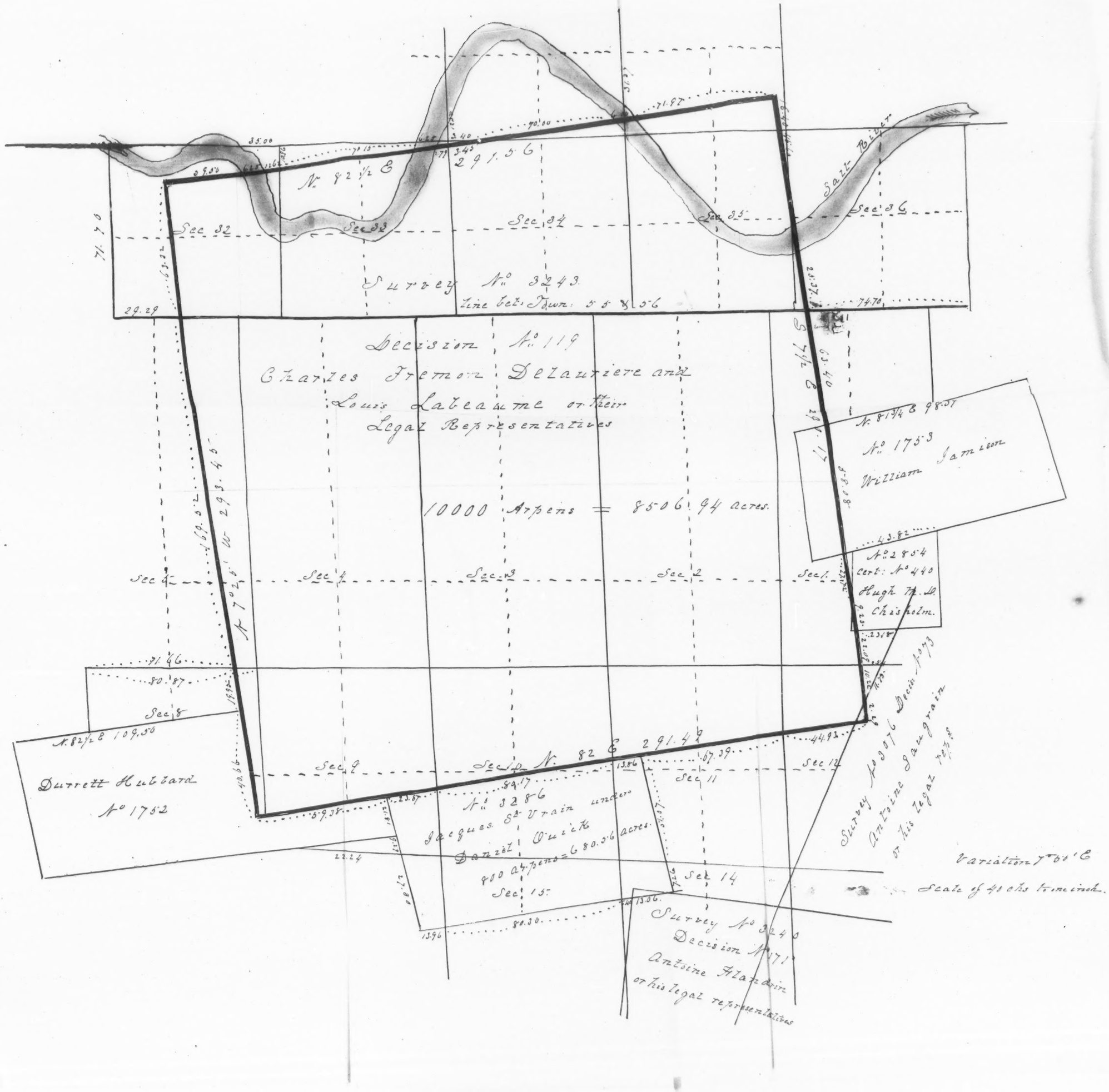


Mill Bayou
Thos. Ansley
Bayou Vindal
George Mc Mathews
John C. Fountain
Chairmen
Lt Bayou Vindal
Mound Bayou
Overflowed in 1850
Never cultivated
Bank Proper of Bayou
Lightning
Ditch
Post
North Meridian
North Magnetic
Topographic Symbols
Cultivated Lands
Cotton
Cane
Forest
Swamp
Pasture
Levee
Ditches
Fences
Somerset Estate La
January 10 1851
Geo Mc Mathews
John C Fountain
Chairmen
C G Frovsley
Surveyor
Scale of 20 ch per inch

18



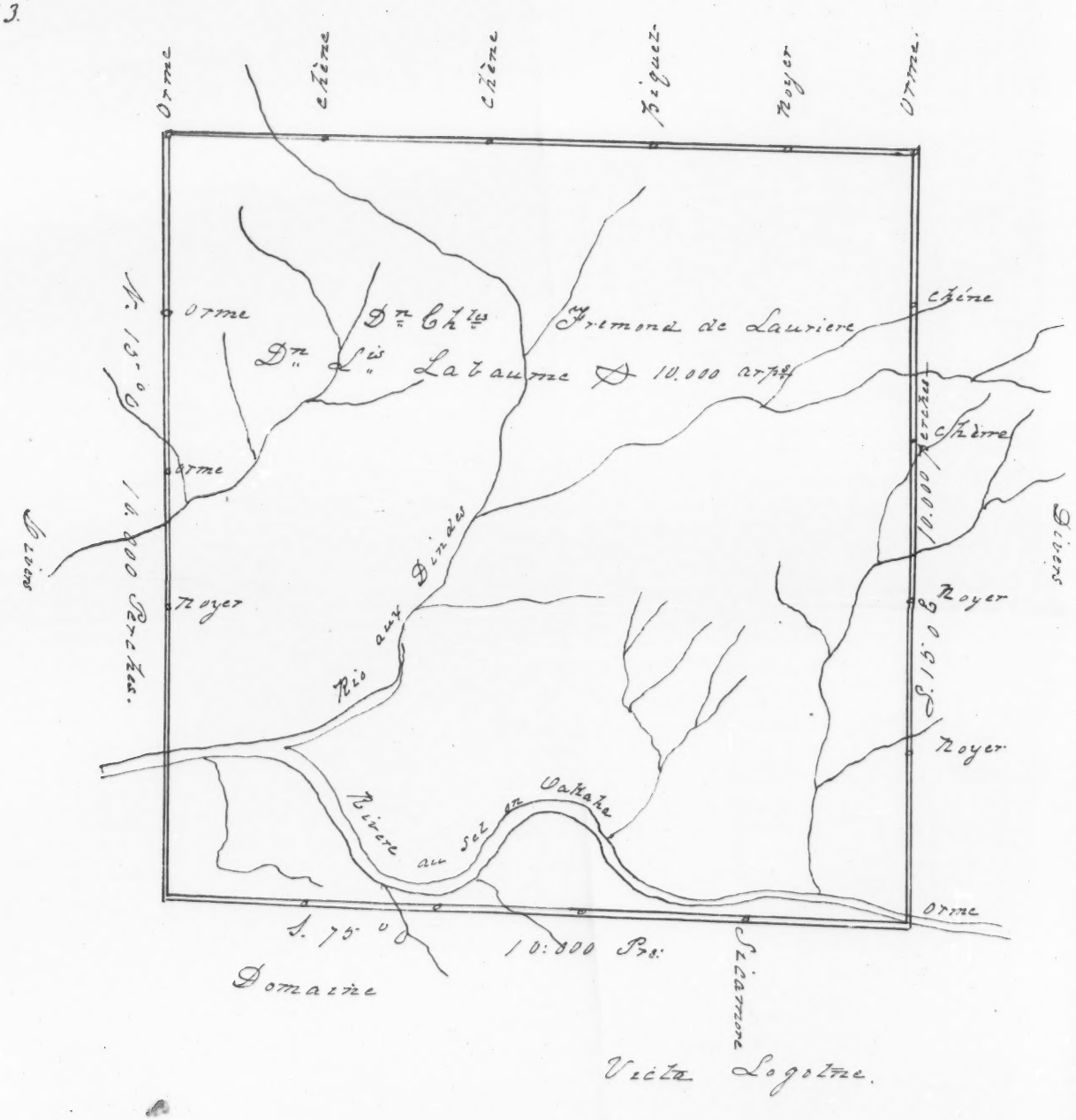
Salt River
Sec 32
Sec 33
Sec 34
Sec 35
Sec 36
Survey No 3243
Line bet. Town. 55 & 56
Decision No 119
Charles Fremon Delauriere and
Louis Labeaume or their
Legal Representatives
10000 Arpens = 8506.94 acres.
No 1753
William Jamison
No 2854
Cert: No 440
Hugh M. D.
Chisholm.
Sec 5
Sec 4
Sec 3
Sec 2
Sec 1
Sec 8
Sec 9
Sec 10
Sec 11
Sec 12
Sec 14
Sec 15
Durrett Hubbard
No 1752
No 3286
Jacques St Vrain under
Daniel Quick
800 Arpens = 680.56 acres
Survey No 3240
Decision No 171
Antoine Flandrin
or his legal representatives
Survey No 3076 Decis. No 73
Antoine Saugrain
or his legal reps
Variation 7° 50' E
Scale of 40 chs to one inch.



Decision No. 119
Charles Fremon Delauriere and
Louis Labeaume or their
Legal Representatives
10000 Arpens = 8506.94 acres.
Survey No. 3243
Line bet. Town: 55 & 56
Sec 32
Sec 33
Sec 34
Sec 35
Sec 36
Salt River
N. 82½ E 291.56
N. 81¾ E 98.57
No. 1753
William Jamison
No. 2854
Cert: No. 440
Hugh M. D.
Chisholm.
Sec 5
Sec 4
Sec 3
Sec 2
Sec 1
Sec 8
Sec 9
Sec 10
Sec 11
Sec 12
Sec 14
Sec 15
N. 82½ E 109.50
Durrett Hubbard
No. 1752
N. 82 E 291.49
No. 3286
Jacques St. Vrain under
Daniel Quick
800 arpens = 680.56 acres.
Survey No. 3076 Decis. No. 73
Antoine Saugrain
or his legal reps.
Variation 7° 50' E
Scale of 40 chs to one inch.
Survey No. 3240
Decision No. 171
Antoine Flandrin
or his legal representatives

19

13.



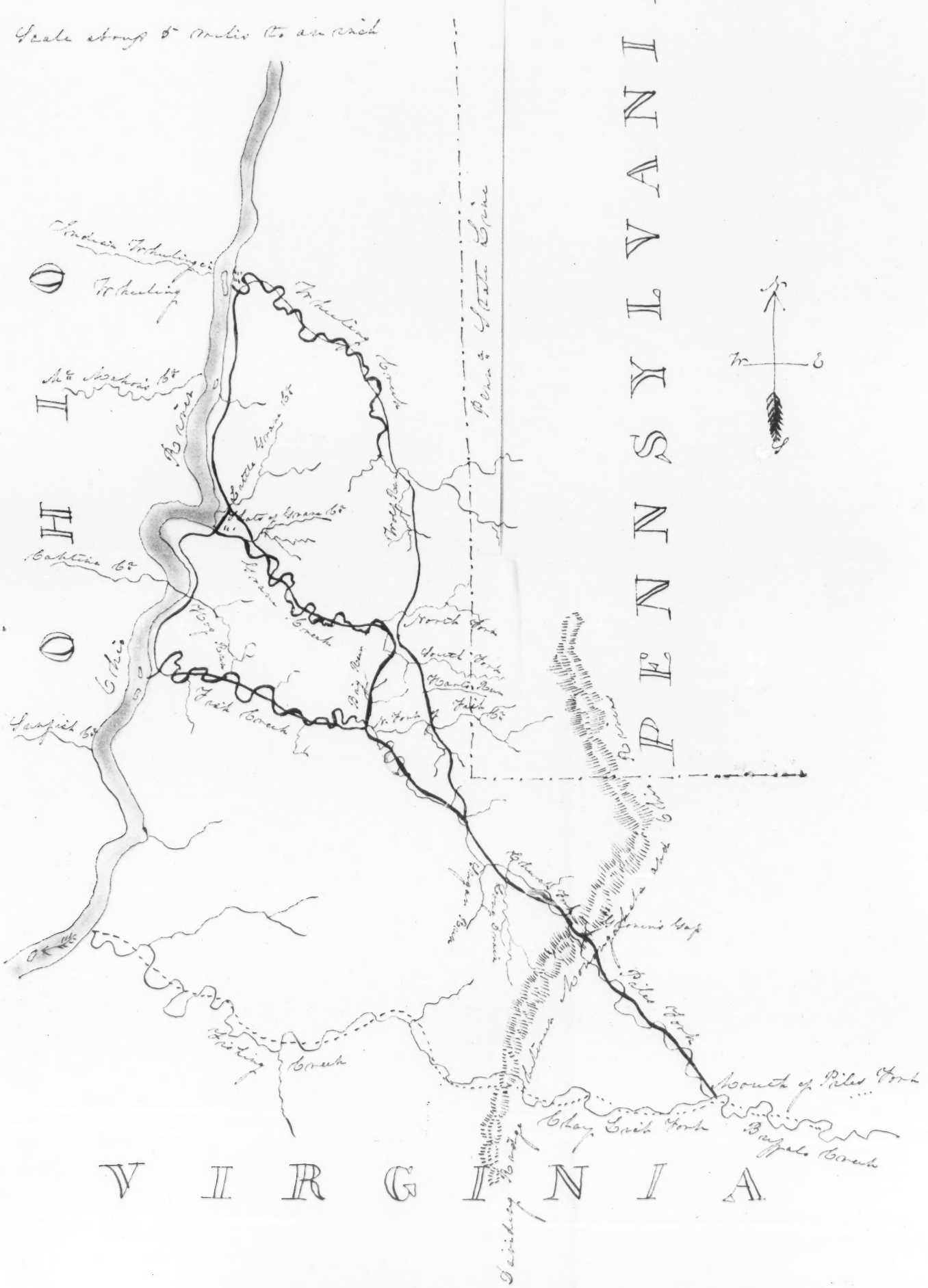
No 145. Delaurière vs Emison pag. 13 –

No. 83 — page 26 printed Record. Marshall no. B. & O. R. R. Co. —

DIAGRAM

Illustrating the Report of B. H. Latrobe
M. Eng. B. & O. Rail. Road of June 26th 1847

Upon his reconnoisance of Routes between Wheeling and the Mouth of Long Drain upon the south Fork of Fish Creek, made in company with I Knight Esq between the 16th & 20th of that month.



22

MAP OF FLORIDA

MAP
OF
Florida
Vignales
APPALACHIE BAY
Lands
Hilly
Land
Undulating
Fertile Country
Low Shes
Cypress Lands
SPIRITO SANTO or TAMPA
Unexplored
Lands
Rich Woods
CHARLOTTE
High Pine
Lands
Fertile Lands
CAPE ROMANO
Punta Larga
CHATHAM BAY
Extensive inundated Region
covered with Pine and Hammock Islands
of all sizes and generally called
THE EVER GLADES
CAPE SABLE
Punta Tancha
TORTUGAS
BANK
THE FLORIDA KEYS
FLORIDA REEF
GULF STREAM
OCEAN
LE OF MEXICO
22

MAP
OF
Florida
Vigneales
APPALACHIE BAY
Lands
Hilly
Land
Undulating
Fertile Country
Cypress Lands
Unexplored
Lands
SPIRITO SANTO or TAMPA
High Pine
Lands
Fertile Lands
CAPE ROMANO
Punta Larga
CHATHAM BAY
Extensive inundated Region
covered with Pine and Hammock Islands
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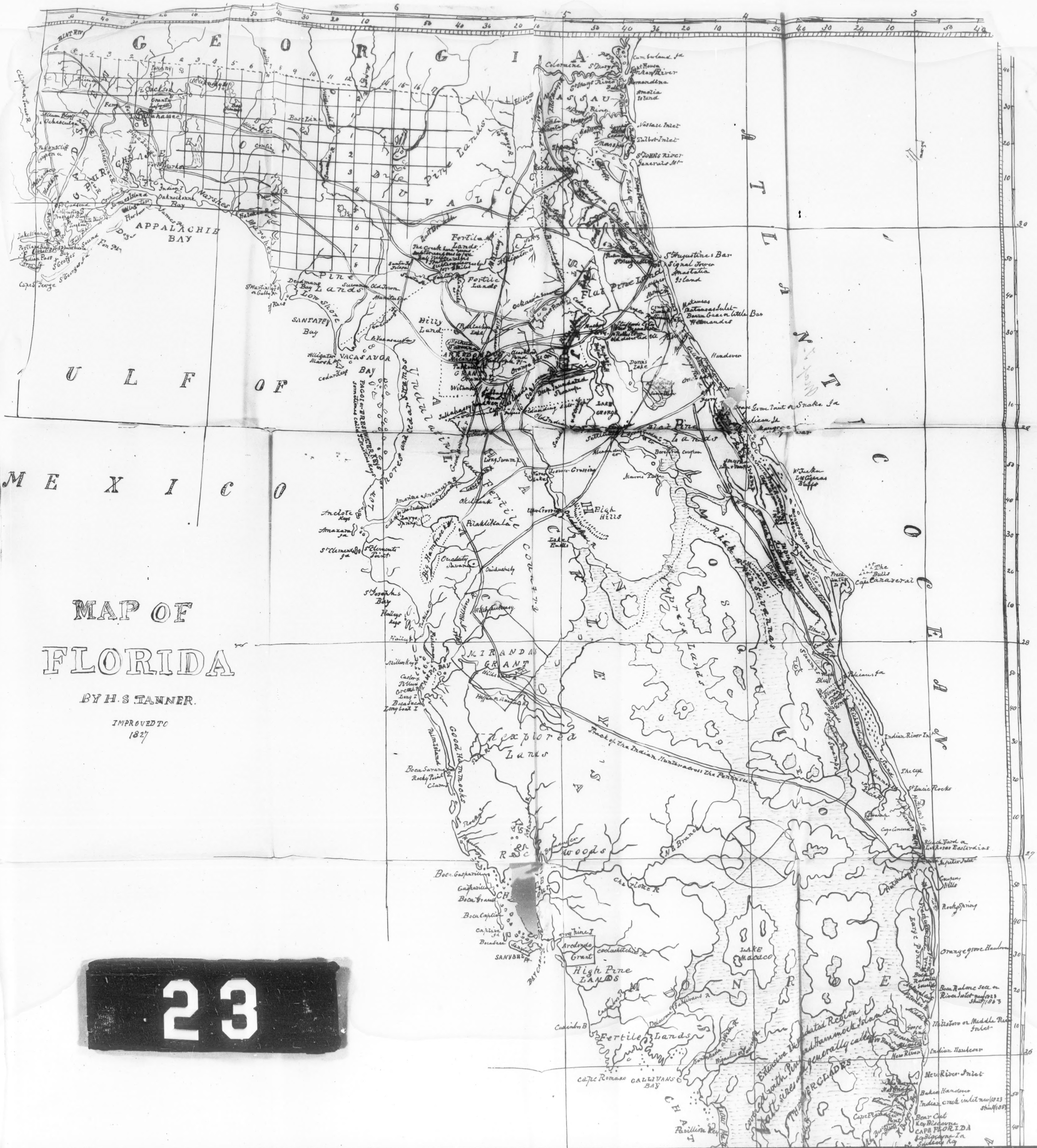
THE EVER GLADES
CAPE SABLE
Punta Tancha
TORTUGAS
BANK
THE FLORIDA KEYS
GULF STREAM
OCEAN
LE OF MEXICO
22

MAP OF FLORIDA

BY H. S. TANNER.

IMPROVED TO 1827


GEORGIA
FLORIDA
MEXICO
GULF OF
ATLANTIC OCEAN
APPALACHIE BAY
SANTAFEY Bay
VACASSAUGA BAY
ST JOHNS RIVER
Pine Lands
Fertile Lands
Low Shore
Hilly Land
High Pine LANDS
Fertile Lands
Unexplored Lands
Track of the Indian Hostilities
Pine Islands
Flat Pine Islands
Flat Pine Lands
Hammocks
Swamps
Cypress Swamps
Live Oak
Cedar Keys
Amazura
St Elements Point
St Joseph's Bay
Halleys Keys
Millon Key
Boca Grande
Boca Captiva
Boca Sarasota
Rocky Point
Clams
Good Hammocks
Palm Island
Boca Gasparilla
Gasparilla
Caxambas
Arcadia Grant
Miranda Grant
Cape Romano
CALLIVANS BAY
Pavillion Key
Key Biscayne
CAPE FLORIDA
Key Biscayne Is
Soldiers Key
Indian River
Indian Harbour
New River Inlet
Bear Cut
Orange grove Hammock
Rock Spring
The Cliff
St Lucie Rocks
Black Yard or Los Rosas Esterdias
Jupiter Inlet
Courpon Hills
Hobe Sound
Jupiter Is
Hypoluxo
Boca Ratone
Hillsboro or Middle River Inlet
Deer Creek
Orange grove Hammock
Boca Ratone Sea or River Inlet
Hillsboro Inlet
Bakers Hammock
Indian creek Inlet
Miami
Cape Florida
Key Biscayne
Soldiers Key
Bear Cut
Key Biscayne
Indian Key
Cape Florida
Key Biscayne Is
Soldiers Key
Cape Canaveral
The Bulls
Breakers
Ellison
Stuart
Pelicans
Indian River Inlet
Jupiter Inlet
Hillsboro

MAP OF FLORIDA

BY H. S. TANNER.

IMPROVED TO 1827

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ALABAMA
GEORGIA
ESCAMBIA
WALTON
JACKSON
INNERARITY
HAMILTON
APPALACHEE
BAY
Santa Rosa Island
Pensacola
Tallahassee
Alligator Harbor
Cedar Keys
Amelia Island
Fernandina
St Marys
Cumberland Island
Cumberland Sound
St Andrews Sound
Simons Sound
Alatanaha Sound
Nassau Inlet
Jacksonville
St Augustine
Matanzas Inlet
Tallahassee
Apalachicola
Chuckachatty
St Josephs Bay
Big Bend
Suwanee River
St Johns River
Santilla R
Oyster Bay
Crooked River
Cape St Blas
St Andrews Bay
Lake Wimico
Lake Miccosukee
Lake Jackson
Lake George
Orange Lake
Newnans Lake
Alligator Harbor
Cedar Keys
Amelia Island
Fernandina
St Marys
Cumberland Island
Cumberland Sound
St Andrews Sound
Simons Sound
Alatanaha Sound
Nassau Inlet
Jacksonville
St Augustine
Matanzas Inlet
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Oyster Bay
Crooked River
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St Andrews Bay
Lake Wimico
Lake Miccosukee
Lake Jackson
Lake George
Orange Lake
Newnans Lake
23

ALABAMA

GEORGIA

ESCAMBIA

WALTON

JACKSON

HOLMES

WASHINGTON

JEFFERSON

LEON

GADSDEN

HAMILTON

APPALACHEE BAY

ST JOSEPHS Bay

GRANT

ARREDONDO

Alligator or Newhalo Point

Cedar Keys

Pensacola Bay

Escambia R.

Yellow Water R.

Choctawhatchee Bay

Choctawhatchee R.

Holmesville

Pinegrove

Bellview

Tallahassee

Miccosukee

Newport

Oscilla

Oldtown

Oakahoma Bay

Oyster Point

Live Oak Point

Cape St Blas

Apalachicola R.

Flint R.

Ochlockonee R.

Ochlockonee Bay

Suwanee R.

Withlacoochee R.

Withlacoochee Bay

Econfina R.

Aucilla R.

Wacissa R.

Wacissa Bay

Fenholloway R.

Econfina Creek

Alligator Harbour

Newhalo Point

Cedar Keys

Amazura or Withlacoochee R.

Large Spring

Chuckaluty

Ft Brooke

Tampa Bay

Hillsborough R.

Manatee R.

Manatee Harbour

Sarasota Bay

Charlotte Harbour

Peace R.

Peace extended to Ocean

Myakka R.

Caloosahatchee R.

Pine Island Sound

Matanzas Inlet

Matanzas Bay

St Augustine Bar

St Augustine

Mosquito Inlet

Halifax R.

Indian R.

Musquito Lagoon

Banana River

Merritts Island

Indian River

Jupiter Inlet

Lake Worth

Hillsboro Inlet

Hillsboro R.

Alligator R.

Alligator Lake

Alligator Old Town

Suwanee Old Town

Tallahassee Old Fields

Miccosukee Old Fields

Old Fields

Old Fields of Apalachicola

Old Fields of Chattahoochee

Old Fields of Flint R.

Old Fields of Ochlockonee

Old Fields of Withlacoochee

Old Fields of Econfina

Old Fields of Aucilla

Old Fields of Wacissa

Old Fields of Fenholloway

Old Fields of Suwanee

Old Fields of Withlacoochee

Old Fields of Hillsborough R.

Old Fields of Manatee R.

Old Fields of Peace R.

Old Fields of Caloosahatchee R.

Old Fields of Pine Island Sound

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Old Fields of Matanzas Bay

Old Fields of St Augustine Bar

Old Fields of St Augustine

Old Fields of Mosquito Inlet

Old Fields of Halifax R.

Old Fields of Indian R.

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Old Fields of Indian River

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Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Caloosahatchee R.

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Pine Island Sound

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Matanzas Inlet

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Matanzas Bay

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of St Augustine Bar

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of St Augustine

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Mosquito Inlet

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Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Indian River

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Jupiter Inlet

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Lake Worth

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Hillsboro Inlet

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Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Alligator R.

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Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Alligator Old Town

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Suwanee Old Town

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Tallahassee Old Fields

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Miccosukee Old Fields

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Apalachicola

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Chattahoochee

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Flint R.

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Ochlockonee

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Withlacoochee

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Econfina

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Aucilla

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Wacissa

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Fenholloway

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Suwanee

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Withlacoochee

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Hillsborough R.

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Manatee R.

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Peace R.

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Caloosahatchee R.

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Pine Island Sound

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Matanzas Inlet

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Matanzas Bay

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of St Augustine Bar

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of St Augustine

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Mosquito Inlet

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Halifax R.

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Indian R.

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Musquito Lagoon

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Banana River

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Merritts Island

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Indian River

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Jupiter Inlet

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Lake Worth

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Hillsboro Inlet

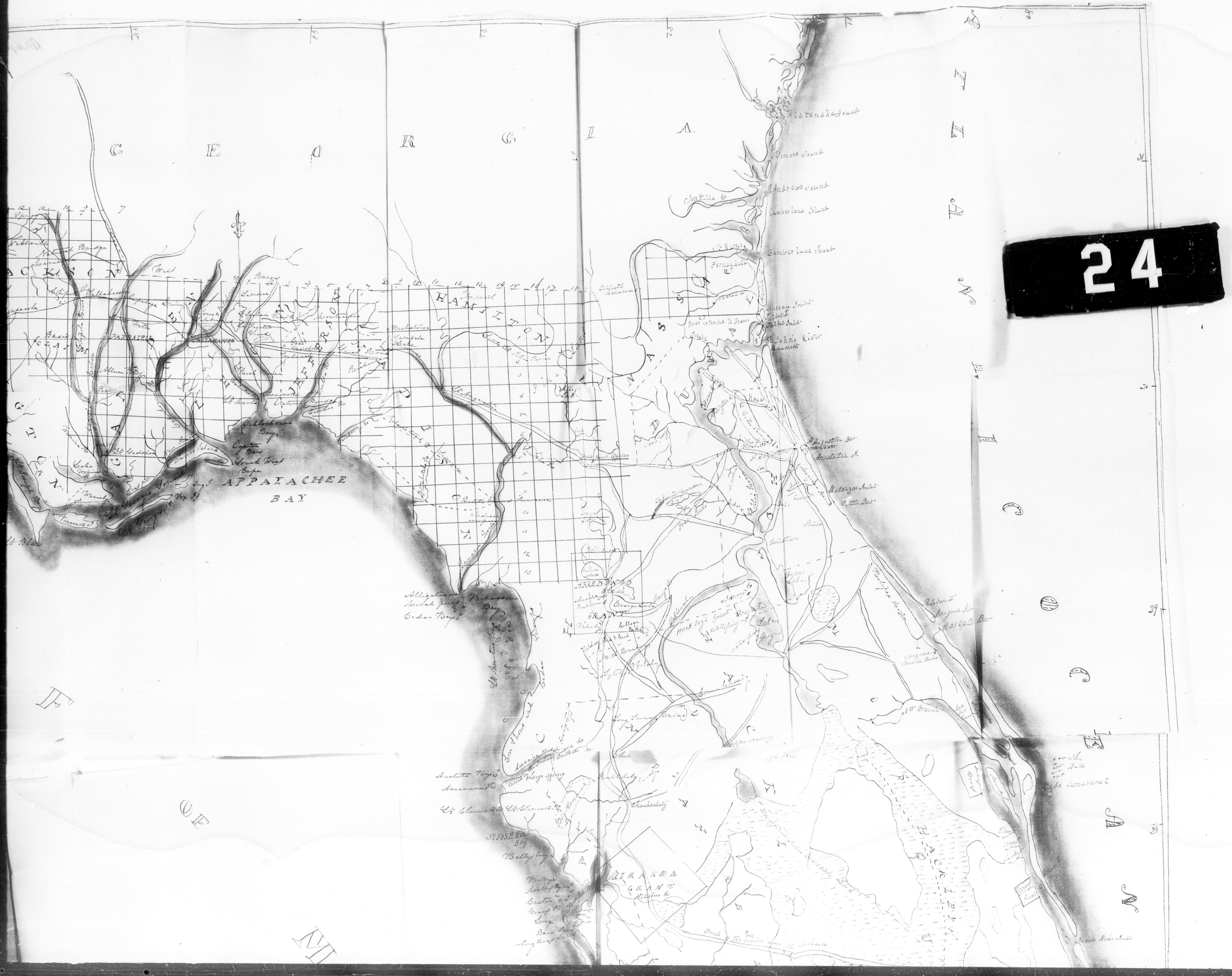
Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Hillsboro R.

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Alligator R.

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Alligator Lake

Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Old Fields of Alligator Old Town

Old


24
GEORGIA
HAMILTON
JEFFERSON
APPALACHEE BAY
ARREDONDO GRANT
MIRANDA GRANT
Alatanaha Sound
St Simons Sound
St Andrews Sound
Cumberland Island
Cumberland Sound
Fernandina
Nassau Inlet
Talbot Inlet
St John's River
St Augustine Bar
Anastatia I.
Matanzas Inlet
Mosquito Bar
Cape Canaveral
Indian River Inlet
Ochlochonee Bay
Oyster Bay
South West Cape
Alligator Bay
Cedar Keys
St Josephs Bay
Chuchachaty
Hillsboro R.
Hackley's Grant
Lake George
Long Swamp
Cedar Swamp
Large Spring
Amarura
Anclote Keys
Cape Canaveral

24

Map
of
Florida.

Chuchachatty
ST JOSEPHS Bay
Bellaire
Bellaire
Bellaire

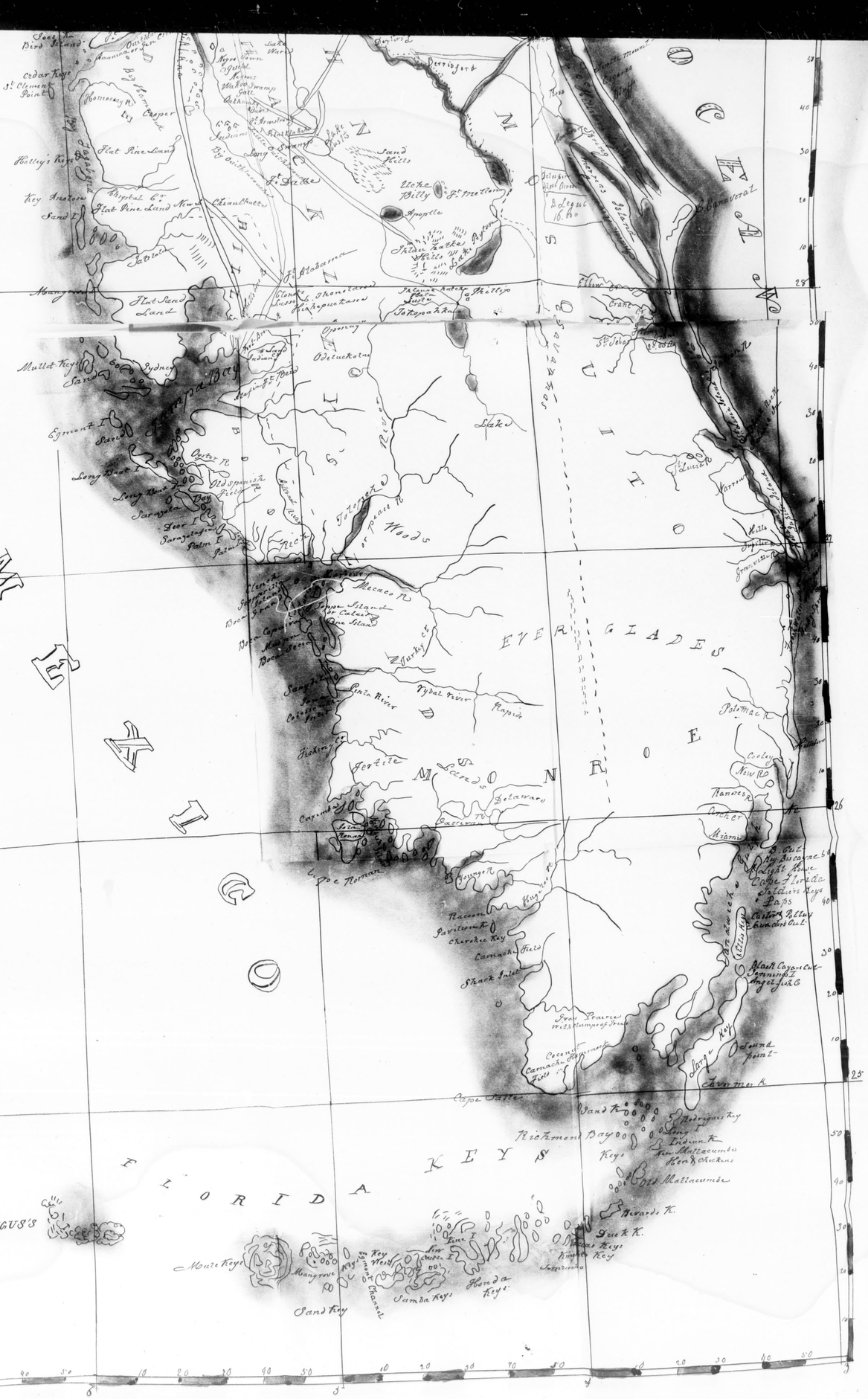
24

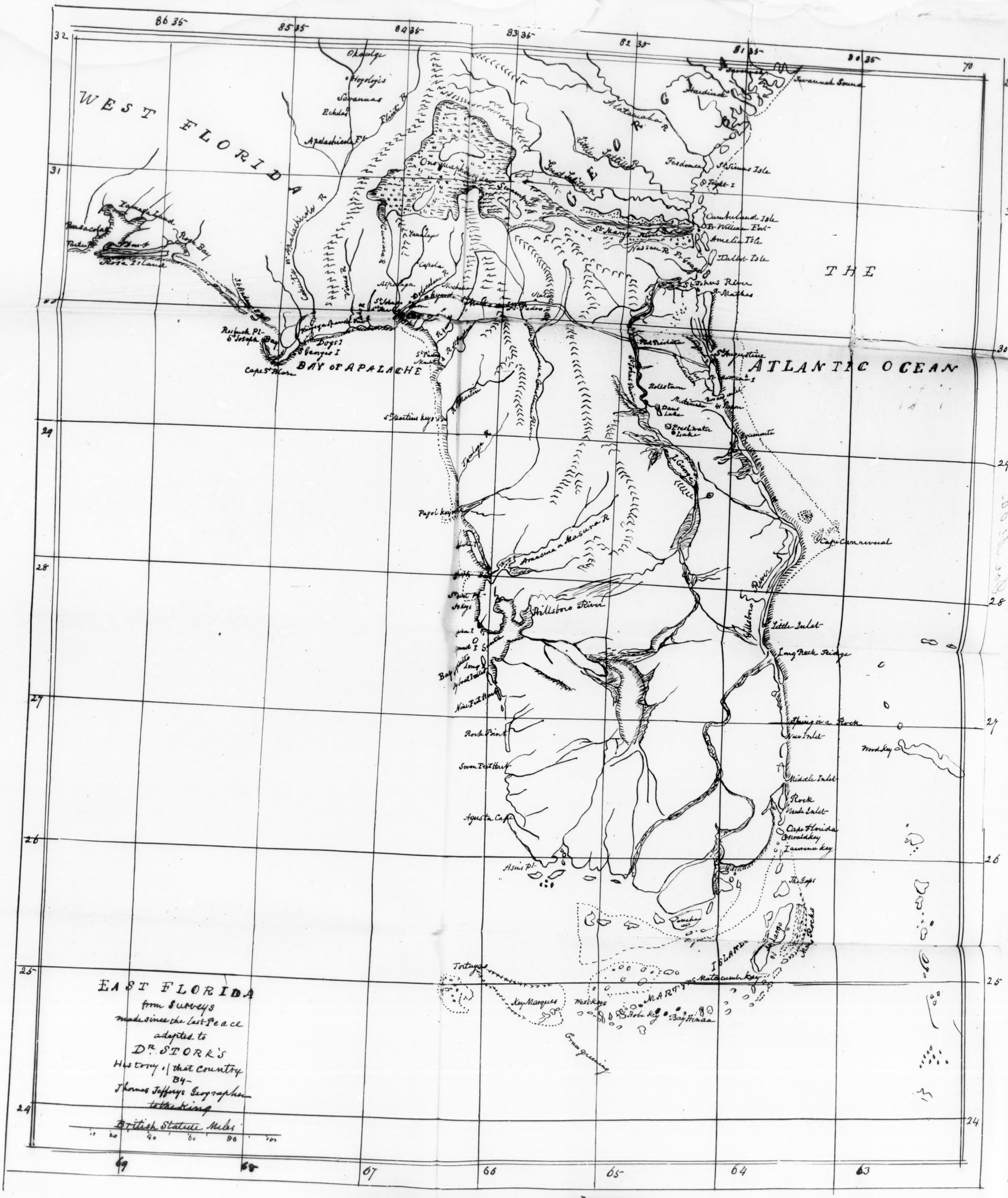
Map of Florida.

...n 24th Sept 1829 by Fielding Lucas Jr. of State of Maryland

ALABAMA
GEORGIA
ESCAMBIA
WALTON
JACKSON
WASHINGTON
FRANKLIN
GULF OF MEXICO
ALACHUA
ARREDONDO GRANT
Tallahassee
Pines
Nassau
Augustine
Mandee Spring
Fresh Water Keys
Cedar Keys
St. Clement Point
Flat Pine Land
Key Anclote
Flat Sand Land
Mullet Keys
Egmont I.
Long Boat I.
Sarazota
Jampa Bay
Sand Hills
Apoptle
Ocklawaha River
Silver Spring
Berrisford
Musquito
Lake
Woods
25

MAP
OF
FLORIDA




WEST FLORIDA
GEO
THE
ATLANTIC OCEAN
BAY OF APALACHE
Pensacola
Apalachicola R
Escambia R
Perdido R
Yellow R
Choctawhatchee R
Chipola R
Flint R
Chattahoochee R
Ochesee
Hogologis
Savannas
Echlas
Apalachicola Ft
Escambia Town
Escambia Bay
Rose Bay
Rose Is Lands
Rosbuck Pt
St Josephs Bay
Dogs I
Georges I
Cape St Blase
St Andrews Bay
Pinagaspanola R
St Johns
St Johns R
St Johns Mountains
St Martins Keys
Capola
Aspalaga
Yamlasee
Ouithlacoochee R
Alatamaha R
Little Satilla R
Great Satilla R
Frederica
St Simons Isle
Tybee I
Savannah Sound
Sapelo
Cumberland Isle
St Williams Entr
Amelia Isle
Talbot Isle
St Johns River
St Mathes
Red Reid Isle
St Augustine
Hillsboro
Mosquito Inlet
Dead Lake
Fresh Water Lake
Musquito
Hillsboro River
Little Inlet
Long Rock Ridge
Nine Inlet
Middle Inlet
Rock
Cape Florida
Carysfort Reef
Key Largo
Matecumbe Key
Key Marquez
West Keys
Bay Hiaca
Tortugas
Green Turtle Key
Pajoi keys
Amasura or Masura R
Cape Canaveral
Rock Point
Seven Palm Trees
Agueita Cape
Asuis Pt
Long Key
Indian Key
Rattlesnake Key
Turtle Rocks
Matecumbe
Mangrove
Bay
Island
Sand Key
Wood Key
Middle Key
Rock Key
Lawrence Key
The Gaps
Bay Hiaca
Mary
Islands
Hillsboro River
Little Inlet
Long Rock Ridge
Nine Inlet
Middle Inlet
Rock
Cape Florida
Carysfort Reef
Key Largo
Matecumbe Key
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Mangrove
Bay
Island
Sand Key
Wood Key
Middle Key
Rock Key
Lawrence Key
The Gaps
Bay Hiaca
Mary
Islands
EAST FLORIDA
from Surveys
made since the last Peace
adapted to
Dr. STORK's
History of that Country
By
Thomas Jefferys Geographer
to the King
British Statute Miles
10 20 40 60 80 100
86 35
85 35
84 35
83 35
82 35
81 35
80 35
70
32
31
30
29
28
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68
67
66
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64
63

26

FLORIDA
from the
Latest Authorities
By I Tellerys Geographer
to His Majesty

CHIKASAWS
chief Town of the Chickasaws

NORTH CAROLINA

ATLANTIC OCEAN

GULF OF MEXICO

CUBA

Great Bank of Bahama

OLD CHANNEL

27

Portion of an
Old English Chart referred to
by Mr John Lee Williams in
his testimony in this case
& numbered & marked
Defts Exc No 11

28

Sand Key
St Joseph Bay
Joes Key
Maugrove I
Long I
Long Boat Inlet
Egmont I
Jamp Bay
St Joseph
Pine Lands
Spirits Santo Bay
Hillsborough Bay
Palm Island
Palm Sound
Rocky Point
Boca Sarazosa
Boca Gasparilla
Harbor

ORIDA
EAST FLORIDA
Nassau
St Sebastian
Cape Canaveral
St Lucia
Hillsboro Inlet
Palm
Bald Head
St Augustine Harbor
River St Johns

28